

Buckingham Palace

L I F E
OF
SIR RICHARD FRANCIS MORGAN.

VOL. I.

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FORTY YEARS
OF
OFFICIAL AND UNOFFICIAL LIFE
IN AN
ORIENTAL CROWN COLONY:

BEING THE
LIFE OF SIR RICHARD F. MORGAN, Kt.,
QUEEN'S ADVOCATE
AND ACTING CHIEF JUSTICE OF CEYLON.

BY
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VOL. I.

MADRAS:
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1879.

“HIS AMBITION WAS TO DO HIS WORK THOROUGHLY, ACCORDING TO HIS VIEW OF DUTY, AND TO ASK GOD’S BLESSING UPON IT WITHOUT CRAVING OVERMUCH THE APPLAUSE OF MEN.”—

John of Barneveld, vol. i, p. 31.

TO
LADY MORGAN AND HER CHILDREN,
WHOSE HAPPINESS AND
ADVANCEMENT
WERE THE CHIEF OBJECT AND ANXIETY
AND CARE OF
HIM WHOSE LIFE-STORY
IS TOLD IN THIS WORK,
THESE VOLUMES ARE
Dedicated.

P R E F A C E.

ALMOST before the remains of Sir Richard Morgan were carried to their last resting-place, it was felt and expressed on all sides in Ceylon that the history of his life should be told so that the incidents of a stirring and busy existence might remain on record, and his career serve as an example and an incentive to youthful Ceylonese. Search amongst Sir Richard's papers showed that much material for such a purpose was available to be woven into a narrative of the struggles and successes of one who was honoured as no burgher before him had been honoured by her Majesty the Queen of Great Britain and the Colonies. There are among Sir Richard's relatives those who would have performed this task with great skill and faithfulness. But it was thought that it would be better if the work were undertaken by one who, whilst in full sympathy with the burghers, was not of them, but who, nevertheless, could recognize all that was good and worthy in the community which Sir Richard Morgan, by his life and achievements, honoured and adorned. I was favoured with the performance of the duty. I cannot claim to have been amongst Sir Richard Morgan's most intimate friends: I knew him

only as a public man, one with whom I was frequently brought into contact in the course of my duties. I never once had the pleasure of meeting him in his own house. But I knew enough of him to love him and to grieve sincerely over his long illness and untimely death.

The offer which was made to me in 1876 I accepted with some hesitation on one hand, with much pleasure on the other. I hesitated from fear that I should not be able to do justice to Sir Richard Morgan's character. I was glad to be entrusted with the task, as I felt that such a biography as his was much needed in the island of Ceylon (as well as in India), that unthinking people should know how much there is of good in the Eurasian race, and also how eventful the period of one man's public life has been in an oriental Crown colony, where it is too readily assumed that there is no 'public life.' In this connection I may quote a passage from a letter which I received from General Studholme Hodgson in October 1876. The General wrote:—'I regarded him (Sir Richard Morgan) with the sincerest affection and respect and none mourned more deeply than myself his early death. That event was indeed a loss to the community generally, but a fatal one to that highly intelligent and respectable burgher class whose interests he fearlessly advocated, and who, I always considered, did not receive, either officially or socially, from the ruling powers the notice and encouragement to which they had a right from their worth, their talents, and their numbers.'

At the conclusion of your letter you allude to a very warm tribute paid by me to the memory of the late Mr. C. A. Lorenz. No expressions of mine could do sufficient justice to this talented, energetic, patriotic man. I had many opportunities of forming a judgment, and can conscientiously declare that I believe him to have been devoted to the colony and to have worked for what he considered its interests with a talent, a perseverance, and fearlessness, in good report and in bad report, never surpassed by any public man or journalist. Both he and Sir Richard Morgan were of vital importance to the burgher community (in whom I myself always took deep interest) and my last words to Sir Richard Morgan and Mr. Lorenz were entreaties that they would not permit political or professional difference to interrupt the friendship between two men whose union was of such consequence to their class, who required representatives and leaders to protect them, and urge, nay, indeed force, their just claims upon the notice of the authorities.'

It has seemed to me for a long time that the Ceylonese have needed something from within their own borders to stir and stimulate them to citizen duty and earnest labour for the welfare of their beautiful island. In undertaking to write the life of Sir Richard Morgan I aimed at producing a work that should be a perpetual incentive to all Ceylonese citizens to strive diligently and labour earnestly for the public good, as Sir Richard did. How far I have succeeded in my object it is not

for me to say, but I feel keenly that the result falls short of my anticipations and hopes. This much, however, I think I have done : I have laid the leading facts in an estimable man's life before the reader, and he who is worthy of following in Sir Richard Morgan's footsteps will himself find the way in which he should walk from the light afforded. The book has been written with a two-fold object : on the one hand to pay respect to Sir Richard Morgan's memory, on the other to so preserve that memory that it may tend to win and entice others to imitation in all that was good in it and to avoid those things which harassed and wearied a useful and practical life.

In the extracts from Sir Richard Morgan's diary—a diary which was very irregularly and unequally kept—that I have given, I have striven to publish nothing that can in the slightest degree affect prejudicially the character or in any way wound the feelings of any living person. The names of those persons only are published who are beyond the reach of all criticism, or who have left the island for good. In no case, intentionally, has anything been transcribed which can give pain to any one.

The history of Ceylon during the past forty years, as exhibited in the career of Sir Richard Morgan, is full of interest, and the lessons to be learned from all that is recorded in these volumes are neither few nor unimportant. A little more zeal for the public good displayed by Ceylonese of all races, such as was evinced by Mr. Morgan

and his friends in 1846-1851, would result in broadened institutions, a higher conception of corporate life, and an existence far more worth living for than that with which the majority of Ceylonese are—alas!—content. Particulars of what has been achieved in times past ought to prove an incentive to noble and devoted action in times future.

As Sir Richard Morgan was a foremost Eurasian, and there being many misapprehensions current about the factor in oriental rule which this community furnishes, I have been induced to write more freely on the Eurasians as a community than I had at first intended. The burghers of Ceylon and the Eurasians of India, as a body, are greatly misconceived, the misconceptions being greatest among those who know them least. I have endeavoured, on the basis of close observation and practical sympathy, to describe them as they really are; and if I have succeeded in showing that the capacity and trustworthiness of the community are greater than is imagined, and a freer scope is eventually given them to serve their country in higher places of responsibility and trust, I shall be unfeignedly glad.

Remembering that, in delineating Sir Richard Morgan's character, I was dealing, as I have said, with a community of which he was a representative, I have given larger space than would otherwise have been the case to events in the career of the late Mr. Lorenz: in doing this I have wished

to show the many-sidedness of the burgher character. This must be my excuse for quoting letters written by Mr. Lorenz, and also for publishing a sketch of his life and of the too brief but brilliant career of Mr. James Stewart. The burghers of Ceylon, and, to a great extent, the Eurasians of India, want but a little more steadiness of purpose and perseverance than they now possess to ensure their obtaining in their respective countries a position similar to that of the middle classes in England. Sir Richard Morgan's life was not so perfect as it might have been, in that he did not recognise the great educational influence in this direction of development which he possessed and which he should have exercised. He himself had uneasy feelings at moments on this account, and often, in the last few years of his life, sat in judgment upon himself for lack of effort in this respect.

Soon after Sir Richard Morgan's papers were placed in my hands, and when this work was merely in preparation, I left Ceylon for India. Necessarily all labour upon the biography was suspended for a time, and as I was once more setting about the task the terrible famine which raged in Southern India in 1877 and 1878 was at its highest tide of disaster; my duties as Honorary Secretary of the Famine Relief Fund prevented me, for a space of ten months, touching a single paper relating to the "Life." At the first practicable moment I resumed a duty which has been a labour of love. This explanation is necessary to account

for the length of time which has elapsed since the lamented decease of the subject of this biography and the publication of these volumes. I must also ask pardon of the reader for inaccuracies in detail which may be found, caused by my being unable, through absence from Ceylon, to refresh my memory or test incomplete statements by a reference to contemporary records. I could not get anybody there to make the references I needed, as every one is too busy in that prosperous and beautiful island. I have been greatly hampered in this respect, and I fear my work has suffered in consequence, though, appreciating the danger, I have been on my guard against it.

To several members of the Morgan family I have to express my thanks for the aid rendered to me in the preparation of these volumes.

WM. DIGBY.

MADRAS, }
January 1879. }

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ERRATA.



Page 238, insert at beginning of line 15, the word "before."
,, 266, the first word in line 14 should be "Province" not
Prince.

CHAPTER I.

THE BURGHER COMMUNITY.

THE PORTUGUESE.

It was inevitable that, as soon as vessels from Europe had doubled the Cape and had become familiar with the shores of lands in the Indian Ocean, the island of Ceylon, because of its geographical position, if from no other cause, should become known to Europeans. It had been previously visited by all the Asiatic maritime nations which had had maritime dealings, from the Phenicians and Jews on the west and north to the Chinese in the far east, whilst the Arabs sent ships yearly from the ports of the Red Sea and Persian Gulf. Though it is said to have been due to an accident that, in the early years of the sixteenth century, Portuguese ships first anchored off the coast of Ceylon, there can be no question that, in the ordinary course of events, a people like the Lusitanians of the sixteenth century bent, above all things, on conquest and propagandism would have found their way thither and have made settlements.

It is not certain that Albuquerque, the Portuguese commander who 'won Goa by hard fighting,' and whose subsequent policy it was 'to promote marriages between the Portuguese and Indian women,' ever visited Ceylon, but certainly the policy ascribed to him whilst ruler of the western coast of India was carried out by his countrymen on the sea-board of Ceylon. However, it did not need that any 'policy' should be decided upon in this respect by

the leaders of Portuguese expeditions. Nature would have taken the matter in hand if Albuquerque had not. Unfortunately for the Portuguese there was not added to the martial prowess they undoubtedly possessed the colonizing instinct which was displayed, for instance, by the Muhammadans when they conquered the Hindus on the continent not far away; otherwise, Albuquerque's policy might have resulted in the growth of a large Indian community of European descent. His troops married women of good caste, who, moreover, had first been baptized. Had these people and their offspring avoided high pretensions; had they not scorned all labour with their hands, which led to effeminacy, their influence might have become very great. They were not birds of passage, or residents in a colony for a short time, as the English in their intercourse with the East have been from the first. The localities where the Portuguese were 'permitted to trade' were looked upon by them from the first as destined to become colonies of their most Christian King. Where they landed, there they meant to stay. They brought no females with them in the crowded, almost fetid, clumsily-built ships in which they struggled past the Cape of Storms, afterwards to be the Cape of 'Good Hope,' and sailed northward and eastward¹ till they anchored off Indian, Ceylonese, or Sumatran ports. Consequently, it was but natural that it seemed 'good in their eyes' to take unto themselves wives of the women of the country where they were, and they did so. In India this was done largely, as of deliberate policy, to provide fighting material, so that too continual a drain should not be made upon the little kingdom which faces the broad Atlantic, the mother of these bold maritime adventurers.

(1) It is stated in the account given by Sir Thomas Roe, ambassador from James I. to the Great Mogul, of his adventures, that vessels from Europe to India, in the early part of the seventeenth century, used to make the island of Socotra, thence sailing eastward.

In Ceylon, undoubtedly, this cause greatly contributed to the intermarriages which took place between the Portuguese and Singhalese. The spirit which had led these bold and daring spirits to cross (hitherto) trackless oceans, found vent when on shore and settled down—(we are confining ourselves now to the doings of the Portuguese in Ceylon, though a similar story is to be told of India)—in the practice of great and terrible cruelties towards the natives. The result was that fifteen years after first landing at Colombo, and two after commencing to build a fort, so exasperated were the people—a people who, from their inoffensiveness, have been termed ‘the women of the human race,’—at the treatment they had received, that the strangers were besieged and shut up in the fort for seven months.

Of their wanton barbarity generally and everywhere, Mr. Cordiner says (vol. II, p. 37) :—‘The coasts of Ceylon have been laid waste by a second race of invaders (the Muhammadans were the first). To the fury and fanaticism with which the Portuguese pulled down every monument of the Hindu religion, and the cruelty with which they persecuted those who professed it, may, in a great measure, be ascribed the still conspicuous barrenness of this part of the coast’ (the north-western). Ruled from Goa, rather than from Lisbon, every effort was made by the Portuguese by intrigue—which reached so far as to baptize and give a Christian name to a Singhalese Queen, dominant in the low-country, whose Court was held a few miles inland from Colombo,—and by force, to obtain possession of the whole island of Ceylon. On one occasion, one hundred and thirty-two years after their arrival, that is in 1637, an army consisting of 1,300 Europeans and *Mistiços*¹ and 6,000 Kaffers penetrated to Kandy, only

(1) “*Mistiço*,” literally means “mixed,” and to this day the Portuguese mechanic woman is called a *Misthisse*, which is either a corruption or the feminine of “*mistiço*.” The names still borne by the mechanics indicate their Portuguese origin ;—De Silva, Perera, Fernando, D’Almeida, de Costa,

to be surrounded, all put to the sword, and their heads cut off and piled in a pyramid.

Nevertheless, in spite of the antagonism raised by duplicity and by open force, the Portuguese, as half-castes, grew and multiplied largely in the land, that is in the maritime districts. To a casual observer in Ceylon, as in India, the Portuguese seemed in larger numbers than they actually were : this was owing to the practice they introduced of giving 'Christian' names to children of wealthy natives on the occasion of their baptism. India, with her mighty indigenous population, has swept away or absorbed nearly every vestige of the practice : Ceylon, insular and comparatively small, exhibits the characteristic now as prominently as ever, *i. e.*, as a survival. So much so that, during the visit of the Prince of Wales to Ceylon, in 1875, several members of His Royal Highness's suite were curious to know how it was that the fine-looking, distinctly native Singhalese Maha Mudaliyar, was called John Perera ! His proper family name is Wijesekere Gunawardana, but centuries ago the name of Perera was given to his forefathers, and it has remained a patronymic. A glance at the portion of the Ceylon Directory devoted to the names of the principal residents in Ceylon shows whole pages of Pereira, Perera, Bartholomeuz, Dias, and others of that ilk, the possessors of a great many of which names are purely Singhalese.¹ It was mainly with the Singhalese women

Rodrigue, de Alwis, de Livera, Dias and Diaz, Pieres, de Abrew, Fonseka, Corea, de Zilwa, de Mel, &c. There are only a few mechanics with Dutch names, and they are fairer than their *confreres*, showing that the European element in them is of more recent origin than in the Portuguese section, where nearly all white traces are obliterated.

(1) A Ceylonese gentleman, in a note to me, says :—'The Portuguese appear to have restricted particular surnames to particular classes. The *Pereras* (except where the name has been assumed by those having no right to it) amongst the Singhalese are, to *this day*, all *Vellalas* ; and I do not know a single Singhalese *Fernando* who is of the higher castes. The Portuguese made "nominal" distinctions, which the Dutch *localised*, by driving particular castes and classes of the population to particular streets. Thus we have Silversmith Street, Brassfounder Street, Lascoreen Street, Moor Street, Chetty Street, &c. Not till the English occupation of Colombo did a

that Portuguese intermarriages took place; Tamils then formed but a small proportion of the population of the western coast, and not many of the European intruders settled in Jaffna and the north, where, of necessity, their mates would be of Dravidian origin, as those in the Colombo region were Aryan.

Unfortunately, the figures are not available which would show how many Porto-Singhalese inhabitants were in Ceylon when the Dutch conquered the island and took possession. De Rebeiyro (translation by George Lee, Colombo, 1847), writing of a period some considerable time before the Dutch became possessors of Ceylon, says (page 46) :—‘ There were more than 900 noble families resident in the town of Colombo, and upwards of 1,500 families of persons attached to the courts of justice, merchants, and substantial citizens. There were two parishes named Our Lady’s and St. Lawrence’s. Outside the walls there were seven parishes. All the inhabitants were enlisted into militia companies, some being exclusively Portuguese, others exclusively Native When a company composed of Portuguese mounted guard, although it consisted generally but of eighty or ninety men, they appeared more than 200, as no Portuguese ever went without one attendant at least.’

All this, however, about the large number of ‘ noble and other families’ must be taken *cum grano salis*, for when Colombo capitulated on the 10th of May, 1656, according to Rebeiyro’s own confession (p. 139,) and he was present during the siege, the whole garrison consisted of but sixty-three men. Bearing in mind the small bodies of Europeans who left their homes in the sixteenth and seventeenth centuries for conquest under tropic skies

Moorman own property anywhere but in Moor Street, and New Moor Street; and some of the older burgher residents so far clung to old traditions and regulations as to refuse to sell their houses in the Pettah to any but burghers. But time levels all distinctions, and before the advance of trade and its requirements, three-quarters of the Pettah are now in the hands of the uncircumcised.’

and in orient and southern seas,—Cortes' and Pizarro's expeditions in South America for instance,—there is greater semblance of truth in the narration as to the number who left Colombo after the capitulation than there is in the statement as to the thousands alleged to be residing in the parishes of Our Lady and of St. Lawrence. Whatever the actual number may have been, certainly no Portuguese left the island, with the exception of a few soldiers, when the arrangements concerning the capitulation were completed.

There are other causes, which will be subsequently noted, to account for this race being preserved and still able to propagate 'after its kind,' but here the enquiry may be suggested why, in the progeny of Portuguese fathers and Singhalese mothers, through successive generations, while the European element must necessarily be growing feebler, the facial characteristics of the male original parent should be maintained. There is a curious resemblance between the features of a poor Ceylonese 'mechanic' of the present day and the well known Portuguese type of face as it appears in the likenesses of men of ancient renown, though most of the Ceylon Portuguese are much darker in complexion than were their 'forbears' who dwelled in fair Lusitania. Can the reason be that the Portuguese were, inherently, so much more a stronger race than the Singhalese, that even now, when eight or ten generations, under a tropical sky, have been diluting the vital force, the original dominance is yet seen and felt? Certain it is that in most of the Portuguese inhabitants of Ceylon the European features, and, to some extent, physique, are to be discerned. Far otherwise would it appear to be in India. Mr. T. C. Plowden, of Tipperah, Bengal, as quoted in the *Calcutta Review* for 1851, writing in 1821, says that 'the Christian population residing in Tipperah are the descendants of the Portuguese who settled at Chittagong a century ago;

that many of the families are so entirely incorporated with the natives of the country as hardly to bear a distinguishing mark, except in the names of Feringhis or Christians; they are of the lowest of the people; are extremely poor,' and so on.

All through the Dutch period in Ceylon, from 1656 to 1765, and during the English rule from 1796 to the present time, the Porto-Singhalese have remained a distinct people in the body politic. Their ranks, as distinct from the Dutch burghers and as existing at the present time, have been largely recruited from the emancipated 'domestic slaves' of the Dutch upon whom freedom was conferred in 1818, who were either of African descent or purchased Tamils of the Coria caste. These adopted the Portuguese style of dress, spoke the *patois* which they had learned in Dutch households, and became thereby members of the Portuguese burgher community. The latest infusion of a new element amongst this class was a small number of descendants from Dutch mechanics, who, likewise, adopted the *patois*. This *patois*, it is interesting to notice, is largely intermixed with Spanish, which seems to have arisen from the subjugation of Portugal in the time of Philip. The yoke was afterwards thrown off, but in the interval Spanish officers and soldiers had found their way to India and Ceylon, and Spanish words and names came with them, amongst such names being Fernando, which is not in the slightest degree Portuguese.¹

(1) I have been favored with the following remarks as to the strange persistence of the Portuguese language in burgher households and the decadence of Dutch. 'It is a well known fact,' says a Ceylonese gentleman, writing to me in 1876, 'that a knowledge of the Dutch language is a very rare accomplishment amongst the burghers and has been for many years. The few translators that can now be found are unable, with rare exceptions, to converse in the Dutch language. On the other hand, the Portuguese has been the domestic language of the Dutch and burghers, even in their families, which have been rare exceptions as including particular individuals able to converse in Dutch. That the language of a nation that first visited Ceylon some 371 years ago should be still preserved, whilst that of their successors whose first conquests were 238 years ago, is extinct; that this should take

The first historian of Ceylon, after the English took the island, Mr. Percival, remarks of this class :—‘The present Portuguese of Ceylon are a mixture of the spurious descendants of the several European descendants of the several European possessors of that island by native women joined to a number of Moors and Malabars. A colour more approaching to black than white, with a particular mode of dress, half Indian and European, is all that is necessary to obtain the appellation of a Portuguese.’ This is a correct description in one respect. It shows the existence in 1801 of a Portuguese-speaking class, distinguishable from Europeans, Dutch descendants, and Singhalese or Tamil natives. This distinction has been maintained, though it has not been clearly defined, and injustice has consequently been caused to an exceeding large and greatly increasing class of Ceylonese by Europeans lumping all members of ‘mixed’ races together, as standing upon one level. Further reference to the ‘Portuguese’-speaking portion of the Burgher community will be necessary later on, more particularly in their domestic relations.

THE DUTCH.

Eight years after the Dutch had firmly established themselves in Ceylon, the English poet Dryden wrote :—

“ In thriving arts long time had Holland grown,
Crouching at home and cruel when abroad.”¹

True in the main this description does not completely express the action of the Hollanders in the spice island

place after an almost equal duration of rule in each case can only be understood by considering the fact that the Dutch, who used the Dutch as a domestic language, sailed away in the cartel ships, or not long after, by means of conveyance had been provided by the treaty of 1798. Those who remained were bound by ties of marriage and family connections, the ethnological character of which was sufficiently indicated by the domestic language, which was Portuguese. In fact before the English occupation nearly every respectable Portuguese or Mestiço family had been absorbed into the clan of “Dutch” and “burghers” who had been left behind when the European Dutch left the island *en masse*.

(1) *Annus Mirabilis* : the year of wonders, 1666.

they had wrested from the Portuguese. It was their particular desire, landing in Ceylon as they did sworn friends of the king of Kandy, to render themselves amenable to the natives, and, consequently, they acted with much circumspection and kindness. This is clearly brought out in an old Dutch quarto¹ which has never been translated in full. A digest of it merely has been made by an eminent Ceylonese, the late Mr. C. A. Lorenz, and from his manuscript a brief quotation may be given as follows :—‘ Jaffnapatam was taken in June, 1658. All injuries to the natives were strictly prohibited on pain of death, especially as the inhabitants of the country had received the Dutch in a friendly manner.’ Cruel the Dutch subsequently proved themselves, *i. e.*, when their conduct is judged from a nineteenth century point of view. But, according to the standard of the times and particularly as compared with the Portuguese, their treatment of the natives of Ceylon was kind and considerate. Rough and uncouth as many of the soldiers and sailors of Holland were, there was still so much of the sturdy freedom which a generation earlier, under William the Silent in the field and John of Barneveld in the Council Chamber, drove the Spaniards from a large portion of the Netherlands, that better conduct than that of the gay, licentious Lusitanian was naturally to be expected. Mr. J. L. Motley, in his ‘Life of John of Barneveld,’ has described how strongly and thoroughly a religious spirit had taken hold of the Dutch mind at this period, so that in the canal-boat as much as in the theological school moot points of divinity were fiercely debated. This spirit found its way into the hearts of those who manned the East Indian fleets, and in Ceylon exerted influence in conserving the morals of the soldiers and in striving to Christianize and educate the people.

(1) ‘Ceylon,’ being an account of the travels of Mr. Walter Schouten of Haarlem.

In the matter of morals the Dutch were particularly exacting. Their position in Colombo had hardly been established on a firm footing when (on July 18, 1664) the following Minute was placed in the record-book of the Council:—

‘It was brought to the notice of the Council that there were frequent complaints by clergymen of the evil resulting from the practice, which was daily gaining ground, of Dutch soldiers marrying women of the country, and it was resolved that these marriages should not be permitted to take place for the future, unless a certificate from the clergyman was produced showing that the woman professed the Christian religion.

‘It was also ruled that native women, wives of Dutch soldiers, were to be required to attend the weekly services of the church. The penalty for neglect of this order was that their husbands should forfeit their wages.’¹

In the matter of education the Dutch, according to their light and considering the period (1650—1790), were particularly and praiseworthily active. Schools were established throughout the whole of the maritime districts, and an elaborate system of inspection and tuition was undertaken, but these efforts were necessarily of a perfunctory kind from the fewness of the overseers and of teachers. More zealous even were the Hollanders to proselytize and make Christians of the people, and if ever a State system of religion could be successful in christianizing a nation, the procedure in the maritime districts of Ceylon ought to have had that effect. Instead the efforts veneered a population with apparent goodness, while they honeycombed it with hypocrisy. The people were compelled to submit to baptism under penalty of forfeiting a third of their property, while fines were imposed on those who did not go to church nor send their children to school.² Notwithstanding baptism, the practice of the christian virtues was almost unknown. The people became christian in name, but they were buddhists in heart, practising all the rites and charms of unconverted people, whilst in salutation they pronounced

(1) Extracts from the Records of the Dutch Government in Ceylon; read before the Ceylon Branch, Royal Asiatic Society, by R. Van Cuylenburg, February, 1873.

(2) Journal of the Ceylon Branch of the Royal Asiatic Society for 1847, p. 43.

the highest form of benediction for orthodox Singhalese lips, 'May you become a Buddhist!' Again, Christianity was hindered amongst the natives, the Galle Consistory (1728) complained, for this among other reasons,—the offensive lives of many Europeans, and, not to mention other instances, concubinage, not only among soldiers and sailors who might not marry, but also among those who might, even persons of rank and standing. This could not but create resentment, on the part of the natives, who, on being convicted of like offences, must either pay a penalty or go to hard labour.¹

The essential falseness and hollowness of the system ought to have been apparent to the Dutch themselves as it certainly is to observers at this moment of time. In the year 1728 when the Galle Consistory made the complaint quoted above in an annual Report sent to Holland it was stated, 'Of the 42,129 professed native christians in the Colombo district, 988 were (church) members; of 171,189 in Jaffna 18; and of 81,266 in Galle district only 6 were members.' In 1760—the period when the Dutch became really careless in governing and grasping and cruel in business—on the latest date when returns were made up, they showed the following results:—

Native christians in Colombo District	66,893
" " Jaffna	194,574
" " Galle	89,113
	<u>Total...</u>	<u>350,580</u>

It may fairly be presumed those numbers were kept up during the remaining period of Dutch rule, that, in 1790, as in 1760, there were hundreds of thousands of so-called native christians. In 1800, four years after the capitulation, when this qualification was not demanded by the British rulers before conferring office, there were, so to speak, no native Christians at all. The class

(1) Journal of the Ceylon Branch of the Royal Asiatic Society for 1847, p. 53.

which thus melted away like hail stones in an Indian summer were known by the significant appellation of 'Government christians.' The knowledge of christianity possessed by them was exemplified in a conversation between the Honorable Frederick North, first British Governor of Ceylon, and a christian headman whom he wished to examine on oath.

The Governor asked : Of what religion are you ?

Singhalese Man.—A christian.

Governor.—Of what sect ?

Singhalese Man.—A Dutch christian.

Governor.—Then you believe in Buddha ?

Singhalese Man.—Yes, certainly.

It need hardly be remarked that this 'Government christian' was not sworn on the Bible.

Life amongst the burghers of Ceylon was very dull and slow in those days. It was marked by all the narrowness and with more than the usual insularity and Philistinism of small communities. Communication with Europe was very infrequent, ships arriving thence but once a year. To Batavia more frequent visits were made; and a good deal of intercourse passed between the two colonies, which the former would fain have construed into bringing Ceylon into submission to it, a claim that was never admitted. The Dutch Ceylonese were very tenacious of their dignity, yet they easily lost their equanimity. The clergymen, who had great influence in the community, for instance, were very much concerned and troubled at a pamphlet published in Holland by a young native student sent thither for theological training, in which the student endeavoured to shew that ministers in the colonies led lives of ease instead of acquiring the native language and preaching and ministering to the heathen. When the author of the pamphlet returned to Ceylon he had to undergo an uncomfortable experience. He was summoned to appear before the consistory, and had to retract

all his charges, and eat the pages of his book, a task he must have found as bitter to his taste as John the Evangelist felt was the small book which, according to the Revelation, was given him for a similar purpose. On the whole, the broad distinctive mark of Dutch residence in Ceylon was quiet, sober steadiness, of which the middle period of their rule gives the best exhibition;—the first portion was stained by treacherous dealings with the king of Kandy, the last by such a relaxation of wholesome moral and political self-control and treachery that conquest by the British was not a very difficult task.

Like all the other Dutch colonies Ceylon was made pecuniarily profitable to the mother-country, and whilst this was the case the unlifting of the people of the colonised countries was impracticable. Possibly no better idea could be given of the nature of Dutch paternal rule than by a recital of the titles and objects of a few of the legislative enactments of the Hollanders' Government during its period of supremacy. Comment is unnecessary; some of the objects legislated for will strike the reader as being very curious. A selection is as follows:—

Ordering the inhabitants to report the number of their slaves to the Commissioner; and forbidding the Portuguese to emancipate their slaves on pain of punishment, (1656).

Prohibiting the opening of shops on Sundays and holidays: penalties Rs. 6 to guilty party, and Rs. 3 to every person near, (1657).

For the prevention of concubinage.

Prohibition of gambling under pain of punishment, (1643).

Prohibition of military men from molesting the inhabitants, on pain of severe correction, (1658).

Prohibition of stealing rice and purchasing and selling cinnamon, on pain of death, (1659).

For introducing the German languages, (1659).

Preventing slaves belonging to Moormen from wearing the dress of a Moorman, with a cap or other head cloth, (1664).

Against selling landed property to Moorman or Hindus, (1664).

Prohibiting private trade and importation of goods without consent, (1668).

Regarding slaves who if they run away from their masters, on being apprehended, will, for the first time be corporally punished and branded: for the second punishment with death: all assisting escape will be similarly punished, (1663). In the same year 'that slaves leaving their masters on being apprehended be hanged outright.'

Ordering that all natives shall proceed to their corles and pattus, on pain of being put to hard labour in chains for three years, (1703).

Prohibiting living in concubinage with male or female slaves of the Company, on pain of being put in chains for three years, (1704).

Prohibiting slaves or servants being turned out of service on account of sickness, on pain of paying a fine of Rds.50, and, for the third offence, receiving corporal punishment, (1711).

Prohibiting christians from idolatry, on pain of being publicly whipped and put in chains for the space of one year, (1711).

Prohibiting natives offending or insulting Europeans in any manner whatsoever, on pain of being whipped, branded, and put in chains, (1713).

Prohibiting the carrying of copper money from one place to another, throughout Ceylon, on pain of forfeiting the same, (1713).

Putting down Roman catholicism by heavy penalties, (1715).

Prohibiting burghers leaving their place of residence without giving previous information thereof to their captain (a civil functionary), (1717).

Warning the inhabitants to provide themselves with firewood for six months, (1729).

A promise of immunity to those who shall point out any person who has given money to get employment under Government, (1742).

Prohibiting Government servants receiving money or anything else..... from the natives, (1746).

Prohibiting correspondence with any person in Europe touching the state, trade, &c., of the Dutch East India company in Ceylon, (1757).

Prohibiting the trade in wax candles, (1752).

Fixing the price of coffins, (1756).

And so on, filling eight folio volumes.

With the circumstances attendant upon the capitulation of Colombo to the English the scope of this narrative has nothing to do, except so far as to notice the fact that most of the Dutch officers and many of the privates, with a goodly proportion of the civilians, left the island in the cartel ships provided by treaty, those who remained being military men possessing property and married to Portuguese burghers, or civilians who likewise had obtained property and were similarly wedded. Some of these latter were of noble or highly respectable families; one was descended from an ancient French family, and another who had relatives in the landraad and who himself stood in the close shadow of the Governor's seat. No Dutchman who had married a 'country' wife would have dared to take her to his friends in Holland, much less to the narrow-minded colonial circle of *vrouws* in Batavia. When the British took

Colombo, five members of the P—— family with their *lares et penates* left for Batavia. The sixth had ‘married beneath him;’ his wife was ‘tainted,’ so he remained in Ceylon, learned English, and lived to be chief crown lawyer to the English Government.

The first reference to the Dutch community after the English occupation is by Percival, whose remarks regarding the Portuguese burghers have already been quoted. To the Dutch burghers he was far from complimentary, particularly to the ladies. The estimate of the Dutch and Portuguese, given in 1804 by the Rev. James Cordiner, chaplain to the garrison of Colombo, is held to be a fairer and, so far as it goes, a more complete account. He says:—

‘The Dutch inhabitants in Ceylon are about nine hundred in number, and, excepting a few families, are reduced to circumstances of great indigence: but by rigid and meritorious economy, and some of the lesser labours of industry they maintained an appearance, in the eyes of the world; sometimes affluent and gay, always decent and respectable.

‘They are chiefly composed of officers (prisoners of war) with their families, and widows and daughters of deceased civil and military servants of the Dutch East India Company. The greater part of them are proprietors of houses, which they let, with considerable advantage, to the English inhabitants. If a poor family should possess only one good house, they retire into a smaller or less convenient one, and enjoy the benefit of the overplus of the rent, which they receive by relinquishing a more comfortable dwelling.

‘The Dutch inhabitants are allowed the undisturbed exercise of their religion: and the clergymen receive from Government an allowance equal to one half of their former stipends All the private soldiers capable of bearing arms, who fell into our hands on the capture of the Island, were sent to Madras, where the greater part of them enlisted into His Majesty’s service.

‘There is still a large body of inhabitants at Colombo and the other settlements in Ceylon, known by the name of Portuguese. They probably amount to the number of five thousand: they are, however, completely degenerated, and exhibit complexions of a blacker hue than any of the original natives. Yet they retain a considerable portion of the pride of their ancestors: wear the European dress: profess the religion of the church of Rome; and think themselves far superior to the lower classes of the Singhalose. The greater part of them were admitted by the Dutch to all the privileges of citizens under the denomination of burghers. About this time several distinct classes began to be known by the one generic term of Portuguese burghers. These were the *Topazes*, *Mestiços* and Portuguese. The former were Singhalose of low castes who professed Christianity, used the *patois*, and wore coverings for the head, hence the name; *Mestiços* (Portuguese paternally, Singhalose maternally): to this period they were not spoken of as a separate class, nor, indeed, was there any reason why they should be designated.’¹

(1) Haafner, who travelled in Ceylon after the English had captured Negapatam, but before they had invaded Ceylon, describes *Topazes* and *Mestiços* as distinct.

It is matter of notoriety, and is admitted by the burghers generally, that the Dutch who were in Ceylon at this period were almost exclusively wedded to Portuguese wives. There were few purely Dutch women in the island: there had never been many. Percival (at page 144) says:—‘The Dutchmen alleged that the cause of those inter-marriages being so prevalent is that scarcely any woman leaves Holland to come to India, except those who are already married.’ The historian might have gone farther, and have said that exceedingly few married men exercised the privilege of bringing their wives eastward with them, if they ever possessed that privilege, which is not certain. The great majority had not this privilege, could not have it under the circumstances under which Dutch conquest and colonization were carried on in the seventeenth and eighteenth centuries. The story is told by old burgher residents, who heard it from their parents,—these latter living in Dutch times,—that no European ladies whatever came to Ceylon save the Governor’s wife; that the means of the civil and military servants of this thrifty nation would not permit of their bringing to Ceylon wives of their own countrywomen. Further, accommodation was not provided on board the East Indian traders for women, and stronger still, as corroborative evidence, the Singhalese were in the habit of speaking of the Governor’s lady as ‘Nona d’Hollande’ (‘*The Lady of Holland!*’)¹ and it is the firm belief of many of the burghers that ‘there is not a single Dutch family in Ceylon which is entirely free from native connection.’

(1) A Ceylonese gentleman makes the following comment in this statement:—“Came to Ceylon”—FROM HOLLAND. But the wives of many of the Dutch officials and the officials themselves came from *Batavia*—they were none the less *pure Dutch*. The Dutch Governor came from Holland and brought his wife with him who was therefore properly called (not *THE* Lady of Holland but) the lady from HOLLAND, as distinguished from the Dutch *wroons* from Batavia. There are a few burgher families who by cousin-marriages have preserved blue eyes, light hair, and fair skins—but at the expense of physical vigour.

In the eyes of the Englishman who knew he had dispossessed the Dutch there were two communities, the Dutch and the Portuguese. Those Dutch descendants who had the ear of the English community would naturally assist this new and simple demarcation, but unavoidably preserving amongst themselves Portuguese names and mixed complexions of various shades, for Dutch names have existed, and do exist, with complexion of native blackness. When the emancipation of children born of slaves after the 12th August 1818 was prayed for from the Prince Regent, the difficulty of preparing separate memorials from the 'Dutch' and 'burghers' was so great that these classes signed together one memorial. In fact not more than about a couple of names can be found amongst the signatories in one list which are not as good Dutch names as any of the others, though no doubt many of those who signed would consider themselves only as Dutch and distinguishable from burghers. The roll of signatures to the petition prepared in 1818 for presentation to the Prince Regent is affixed to the document. The memorial was signed by 'Dutch inhabitants and burghers' in the following proportions:—Colombo, 110; Negombo, 17; Manaar, 11; Jaffna, 19 (four ladies signed here); Trincomalee, 14; Galle, 26; Matara, 4; Kalutara, 3; in all 204. Curiously, and important as a survival of the Portuguese system of proselytising and giving 'christian' names, more than three-fourths of the Singhalese and Malabars who signed this petition did so with Portuguese names, rather than with their native patronymics.

The first forty years of the present century formed a halcyon period for the burghers of Ceylon. As soon as British rule became consolidated, it was found that in the civilized, fairly-educated European descendants the authorities had to their hand material which could be manipulated for the thousand and one inferior offices

rendered necessary by modern systems of Government. The natives were altogether unacquainted with the English tongue, and generally, were not apt for the performance of the duties required. Their sympathies, too, were likely to be anti-European, while the Dutch and Dutch descendants would, naturally, be on the side of the European rulers, who upheld the civilization which placed them in a position superior to the inhabitants of the country. Some of the Dutch burghers of this time were worthy of being made fellow-helpers with the British in ruling the land. One of them, Cecil Arnoldus Prins, became King's Advocate Fiscal (English Attorney- and Solicitor- General combined), while it is credibly recorded of another, J. G. Hillebrand, who subsequently became a Judge of the Supreme Court, that, being very anxious to acquire the English language, as soon as the capitulation was effected, he made the acquaintance of the more intelligent men among the soldiers, and by bribes of drink and food, obtained from them a knowledge of the English tongue. This was, subsequently, added to, by a course of grammatical study of the language he wished to master; at the time Mr. Hillebrand made such earnest efforts, scholastic aids were not available. It is stated that an application is still extant of Mr. Hillebrand's, in which he applies to the Judges of the Supreme Court to allow him to draw three-hundred rix dollars (£22-10s.), the bulk of his small fortune, from the Loan Board for the purpose of buying a copy of Sewell's Dutch and English Dictionary, a rare book at the time.

At first, owing to misunderstanding, through the speaking of divers tongues, there was not much association between the different sections of the community, each misunderstood the other, as they do to the present day, though the greatest share of the misconception, now-a-days, it must be confessed, is on the side of the British. In early times, the very earliest English era, the Honorable

Frederick North, Governor, initiated a state of social good feeling, which it would have been better for the advancement of the island if his successors had imitated. The Honorable James Alwis, M.L.C., a Singhalese scholar of high repute, in his 'History of Ceylon,' indicates this in a very interesting chapter. Amongst other things, Mr. Alwis says :—'The colonists had easy access to the Governor,—a privilege without which an oriental people is not easily reconciled to a new *regime*. Two days in the week he especially devoted to seeing them. Every new year's day his house was open, and the people attended in large bodies to pay their respects to the representative of the king. His hospitality extended to all classes of the community. If the Dutch ladies took offence at a character given of them in a work published by an English officer, and refused to visit North, he was not long before he secured their good-will towards himself and the English nation.' So firmly had the burghers attached themselves to British rule that in 1803 they came forward in large numbers and enrolled themselves as volunteers. Attack was anticipated from the French, who were then cruising in Indian seas, while there was never any certainty that the Kandians might not appear in force, and attack the cities and towns in the maritime districts.

Early in the century, among the Englishmen who went to Ceylon was Mr. Alexander Johnstone, who occupied the post of King's Advocate Fiscal. He was destined to rise to the office of Chief Justice and President of Council, when he became Sir Alexander Johnstone. He was an Englishman very far in advance of his age, and did much for the burghers, literally uplifting the whole community to a higher plane than that on which they previously stood. What he did cannot be better explained than in his own words, which, for the broad generous policy they enunciate, would well repay close, attentive ponder-

ing by English rulers in East Indian lands at the present time.

In 1830 Mr. John W. Ricketts (an East Indian) wrote to Sir Alexander Johnstone about a petition which he wished to send from the East Indians of India to Parliament. Mr. Ricketts had been deputed to take the memorial to England, and press it upon the attention of the authorities. Sir Alexander Johnstone, then in England, referred to his political acts whilst Chief Justice and President of Council in Ceylon, and wrote as follows :—

‘ I have always been of opinion that in policy His Majesty’s Government ought to show the most marked respect to all persons, who are either descended from Europeans or who bear any resemblance in features, manners, dress, religion, language, and education to Europeans, and thereby constantly associate in the minds of the natives of the country an idea of respect and superiority with that of a European, and with that of everything which is characteristic of, or connected with, a European.

‘ In justice it ought to do everything in its power to place the native burghers of that island (Ceylon) in a situation which may enable them to acquire the respect and esteem of their countrymen, and which may make it their interest and their wish as well as their duty to support the authority and promote the views of the British nation. That it ought to encourage them to improve their moral character, and to cultivate their understanding, by affording them the same prospect as Europeans enjoy of attaining, if they desire them, situations of the highest honor and of the greatest emolument in all the different department of the State.’

Of course all that is here claimed for burghers the authorities are now (1878) prepared to grant for educated natives, at least, but at the time Sir Alexander Johnstone wrote natives had not, either in Ceylon or in India, shown conspicuous loyalty to the British raj. It is also worthy of note that no distinction is made between ‘Dutch’ or Dutch ‘burghers’ and others. The native burghers clearly relate to the coloured burghers including Dutch descendants, and the policy is the same which made Richard Morgan Queen’s Advocate, and which knighted him and placed him on the bench as chief justice. To prevent any doubt on this point it is instructive to read what follows :—

‘ And that it (His Majesty’s Government) ought to consider the exclusion by law for no fault of their own, but merely on account of their complexion, of so valuable a class of His Majesty’s subjects as unjust and impolitic, as systematically degrading them in the eyes of their countrymen, and as sub-

jecting them on every occasion, in private and in public, amongst Europeans and natives, however respectable, however well educated, and however deserving they may be, to the most unmerited contumely and the most painful mortifications.'

Sir Alexander proceeded to allude to the introduction of tuition in arts and sciences, and moral and political institutions, and urged especially the establishment of Vernacular journals (this was in 1810) to be given over to the people as soon as they had learned how to use this machinery for the expression of public opinion.¹ His estimate of the good that would result from a generous policy was thus stated :—

'That it [the Government] ought to consider the native burghers in the island of Ceylon as valuable auxiliaries in carrying into effect all such measures and in bringing about all such changes, as are calculated to improve the moral and political character of the natives of that island.

'And, finally, that it must, so far from diminishing its popularity and endangering its authority, increase the former and affirm the latter by exalting the character and conciliating the affections of all the native burghers who are settled in different parts of the island : who, from the circumstances of their birth, are thoroughly acquainted with the language, habits, manners, usages and prejudices of the natives ; and who, from the circumstances of their descent, their features, their names, their religion, their laws, their education, and their language, must, if wisely protected, feel themselves bound by every tie of affection and interest to adhere at all times to the British Government, and to consider their importance, if not their existence in society, as depending upon the continuance and strength of the British authority in India.

'Entertaining these opinions, I felt it to be my duty, as soon as I became Chief Justice and President of His Majesty's Council in Ceylon, to advise His Majesty's Government to place every descendant of a European in that island, whatever his complexion might be, precisely upon the same footing as a European ; to look upon him as having the same rights and privileges, as subject to the same criminal and civil laws, and as eligible to the same appointments in every department of Government. Upon my recommendation native burghers were appointed to the office of registrar, keeper of records, advocates, proctors, notaries of the Supreme Court, members of the landraads, secretaries of the provincial courts, sitting magistrates, justices of the peace, and superintendents of the police, to the office of proctor for paupers, a situation of great responsibility, created by Government at my suggestion, for the specific purpose of protecting the rights of paupers and slaves, to that of deputy advocate fiscal, and, under certain circumstances, even to that of acting advocate fiscal, an officer next in rank in the Supreme Court to the Chief and Puisne Justices, and discharging duties in that Court of great trust and importance to the safety of the Government and the tranquillity of the country.

(1) Undoubtedly the suggestion was derived from the fact that the Government of Ceylon were newspaper proprietors, inasmuch as a portion of the weekly *Government Gazette* was devoted to the publication of such events as are now described in the local journals. This practice was continued till 1833, when newspapers proper were established. The Government of Ceylon stands alone among English supreme authorities in the East in providing a newspaper for the people.

‘In consequence of the adoption by Government of this line of policy, the native burghers in the island of Ceylon acquired a high value for character, and a powerful motive for improving their understanding, for cultivating every branch of knowledge, for making themselves acquainted with the arts, and sciences and manufactures, and the agriculture of Europe; they enjoyed a further opportunity of displaying their talents and extending their influence amongst their countrymen, and they felt a pride in exerting that influence in favour of the British Government, and in promoting, amongst the natives of the island, all such measures as were calculated to improve the state of the country and to ameliorate the condition of the people.’

Not only politically, but socially, also, was this high encomium peculiarly appropriate. Singularly free from the commission of serious crime, and generally abstemious in their habits, with a history that presents no startling points for comment, the burgher community was an element of stability and strength in the newly-acquired British colony. As soon as they could speak English, the burghers were employed in places of trust under Government, while their ranks were recruited by a number of Europeans and East Indians from Madras. Proof was shown of the possibility of Europeans living long lives in a tropical climate, for most enjoyed robust and healthy lives and continued to the average term of man’s existence, three-score years and ten, then dying of natural debility, or diseases consequent not upon excess of any particular kind, but arising from the wear and tear of life. In this respect, and, as will be shown subsequently, from causes entirely within their own control, many of the burghers of the present day are degenerate sons of worthy sires.

In 1834 higher education, which had previously been provided only by Christian Missionaries in the suburbs of Colombo, was taken in hand by Government, and Sir Robert Wilmot Horton founded the Academy, at which burghers and natives had the advantage of a classical education. This has been of very great service to the community at large, but has been more largely availed of by the burghers, to whom it has been of almost inestimable value, than by either the Singhalese or Tamils.

The years which followed, from 1840 to 1850, were full of exceeding great interest to the burghers, for they 'made history' by their sturdiness and public spirit in a manner which places them in a front rank of free peoples. In the body of this work the details of this period will, in some measure, be told, and the references made to the events here are only such as are necessary to briefly group the history of the people together that their position in the body politic may be fairly grasped. In the questions to be alluded to, for the inception of reforms it is true that Englishmen were the chief instruments, and that in carrying them into action educated and patriotic natives rendered great assistance. Much praise should be given to both classes of helpers, but this is not the place for doing that. Whilst, however, the initiating hand had been mainly British, the material to work these reforms, to make them practicable that they might not prove weakly infants which lived only to reach the statute book and then died, or unworkable proposals which necessitated speedy withdrawal, has been for the greater part burgher. Not merely have the burghers been the means by which improvements and changes were made workable, but widened ideas have dropped among them as good seed in productive soil, bringing forth no insignificant crop of self-reliant, earnest men, who have in a struggle for citizen rights exhibited qualities which call for their being entrusted with yet further and fuller liberty. Those qualities have been displayed in spite of a system which has denied to them nearly all political freedom, and augurs that very great good would result from giving them greater privileges entailing a corresponding measure of responsibility. One sign of political manhood is the determination of an individual or a class, when aspersed, to indignantly defend itself. This the burghers of Ceylon displayed early in their history. It took more than a

generation from the time of the British occupation for this people to feel that they had the rights of free-born citizens, but once it was understood that rights and privileges were theirs, none were more tenacious than they to maintain them inviolate. In doing so they had to encounter much obloquy and scorn.

Instead of the pleasant intercourse begun by Mr. North continuing, as it well might and ought in so small a community as that of Ceylon, social barricades were erected and the gulf widened, so that the strongest feelings of contempt and disdain came to be engendered and expressed of the burgher and native people by English officials and writers. Two brief quotations will serve to show this, and whilst accepted as one side of the shield,—impressions in the last case evidently being made by a cursory acquaintance with Portuguese mechanics, ignorant and drunken,—it must be borne in mind that, at the very time when the most supreme contempt was being thus expressed for the mixed population, some of the Dutch burghers were displaying a degree of public spirit not far behind that which had been manifested in England a short time previously by the Corn Law Repealers, when their proposal for the entire abolition of corn duties was unfashionable and derided by ‘cautious’ politicians.

The most unpopular Governor Ceylon has ever had was Lord Torrington. His own blundering accounts for his unpopularity. How greatly he could blunder is apparent from the fact that he thoughtlessly roused the bitterest animosity against himself amongst the burghers by maligning them in a despatch to Earl Gray, then Secretary of State for the colonies. In one place (alluding to certain disturbances among the natives) he said, ‘Efforts were made by one or two turbulent Europeans, supported and assisted by many of the peculiar class of people called burghers, to kindle dissatisfaction in the minds of the Singhalese natives. . . .’

Again, 'I shall repel with the most vigorous determination all the efforts of the burgher community (a class I am not aware to be found elsewhere) to make use of the native Singhalese inhabitants to promote their own selfish purposes.' Further, with scorn and contempt, he described them as 'the half-bred descendants of the Dutch and Portuguese inhabitants.'

Very shortly after the time when Lord Torrington was thus rudely insulting a portion of the people he governed, a retired barrister, Mr. H. C. Sirr, M.A. formerly Deputy Queen's Advocate for the Southern Province, brought out a work on 'Ceylon and the Singhalese,' in which, at page 40, volume II, he says:—'The half-castes of Ceylon, or burghers as they are called in the island, adopt the European costume. We allude only to the males, the women blending in their dress a strange mixture of the European and native attire. The male half-castes are far below the Singhalese both in physical power, stature, personal appearance, and mental capabilities; their complexions are less clear, their features ill-formed, and the expression of their countenance is heavy and sensual, being as deficient in corporeal attractions as they are destitute of moral rectitude and probity It is most extraordinary, but all those who have been in the East frankly admit that among the half-castes is to be found every vice that disgraces humanity, and nowhere is this axiom more strikingly exemplified than in the male and female burghers of Ceylon. In making this statement we do not mean to assert that ALL¹ are destitute of good feeling, as we have known two or three men who possessed kindly feelings and cultivated minds, but, unfortunately, such are exceptions to the general rule.'² There

(1) The small capitals are Mr. Sirr's, not the present writer's.

(2) Sirr was a man who, as an English lawyer, failed to compete successfully with James Stewart, Charles Stewart, C.M.G., Sir Richard Morgan, Charles Billing, and other Ceylon lawyers, who not only beat him

are Englishmen in Ceylon at the present time, knowing little or nothing of the burghers, save as inferior assistants in business, who would say that this description of Mr. Sirr's is still true, though really a grosser libel was hardly ever perpetrated on any community. Mr. Sirr evidently made the not uncommon mistake of 'lumping' the Portuguese burghers and the Dutch burghers. The former, who had been long in the East, had, by indulgence in vice, sunk below the Singhalese amongst whom their lot was cast; and to those acquainted with the lower classes of this race, Mr. Sirr's picture is recognized as having some elements of truth, but every word of that description is false if intended to apply to the Dutch burghers. Particular care ought to be taken to draw a distinct line between the two sections of burghers. No Portuguese burgher has yet risen to anything beyond a master tailor, and it is principally among the members of this class that the sole ground for direct Government assistance to obtain or maintain a position in life lies.

To return, however, to the narrative of burgher public spirit. In spite of the great and abounding influence of Government in an oriental land, increased under the despotism of 'Crown' rule, and altogether regardless as to how their action might tell upon their future career in the professions to which they belonged, the burghers of Colombo refused to remain quiet under such a stigma. A public meeting was convened, resolutions passed, and

by a long way as unofficial advocates, but some of them were promoted over him. Disappointment seems to have soured him, and he ran down the whole burgher race in his work. His temper of mind may be gauged by the fact that he named one of his horses, 'Dr. _____' (a person with whom he had had a difference) 'for,' said he, 'I can whip the brute, and imagine I am whipping him after whom he is named.' It is a matter for great regret that Mr. Sirr's description of the Ceylon burghers has been taken by some writers on ethnographical subjects as trustworthy. In a work which I cannot lay my hands upon at this moment, dealing with the mixed races of the world, Sirr's description is quoted as applying to all the burgher residents in Ceylon. A position is advanced by the writer which rests mainly upon Sirr's false statement!

a memorial sent to the Secretary of State for the Colonies, in which several rebutting passages appear. After reciting some of Lord Torrington's strongest remarks, the memorialists say:—"In one of his despatches to your Lordship the burghers are described without the least necessity for the description, as "the half-bred descendants of the Dutch and Portuguese inhabitants." Not ashamed of the condition in which some of your memorialists (for to many of the burghers the offensive expression is inapplicable) have been placed by their Maker, still, surely, the unnecessary and ungracious allusion to the natural condition of some of your memorialists, which is implied by the term "half-bred," must be repugnant to the fine and manly feelings of Englishmen.' Fully disproving the charge of 'kindling dissatisfaction,' they proceed:—

'The burghers, my lord, form a large portion of the inhabitants of this island; some of them hold high and respectable offices under Government. Many are employed as clerks in the public offices; and there are others among them independent of Government possessed of much property, in the security of which they are naturally interested. What interest, what "selfish purpose," can such men have, my lord, to kindle dissatisfaction amongst the natives? Other Governors have spoken of them in the highest terms of commendation; but it was left to Lord Torrington, after so short a sojourn in the island, to traduce them.'

The burghers were, as has been stated, at the time they prepared this memorial, acting under the leadership of Englishmen. When it is remembered that they were not insensible to that undue reverence for 'the raj' which is a melancholy fact of oriental life,—inasmuch as that they, in a sense, were natives of an Eastern land,—the fact that they defied and braved the powers-that-be so manfully is proof of capacity for the higher duties of citizenship highly creditable to the community to which they belonged.

A political society, called 'The Friends of Ceylon,' had been established, and great courage was displayed in resisting what was felt to be infringement of citizen rights. Especially in regard to what stands out pro-

minently in modern Ceylonese history as the 'Verandahs Question,' when the authorities tried to forcibly dispossess the people of alleged encroachments which the possessors could prove they had occupied 'from time immemorial' (in the legal sense of the term,) did they act with great boldness. Defeated in the island, they carried their cause to the House of Commons, where the late Joseph Hume and Mr. Baillie championed their cause. A select committee was appointed, much evidence was taken, and from the vantage-ground then gained much indirect benefit has resulted.

Later on, when the Ceylon League was established, to throw off the great burden of military expenditure incurred for imperial purposes, and to agitate for reform in the Legislative Council by adding to the number of unofficial members, none were more active or bold than certain burgher members of the League. When, again, municipal institutions were established, the practical working of them fell principally into the hands of this class, and when Government officialism (which, unfortunately, is part and parcel of Ceylon municipal institutions, and, therefore, greatly detracts from possible usefulness) was not too strong, very good work was done, a due sense of responsibility being felt. The management of the Colombo municipality, with a revenue much larger than that of some West India islands which have a Government and a legislature to themselves, was in the hands of a burgher gentleman, whose administrative action called forth much praise, and led to his being appointed Justice of the Peace in recognition thereof. It is to a burgher Queen's Advocate that the natives owe the great communal powers which were given them in 1871, when it was arranged that the ancient Gansabhawa (village councils and tribunals) should be revived. These give to the goyiya (ryot) the exercise of powers, in the way of abating nuisances, such

as gambling, cock-fighting, opium selling, &c., which is vainly pleaded for year by year in the House of Commons by Sir Wilfrid Lawson, when his Permissive Bill is brought up for that second reading which it has never obtained. Small Cause Courts, with trained presidents assisted by assessors, under this ordinance bring cheap and facile means for the settlement of disputes within the reach of all.

The events of 1848-50, however, through not being efficiently acted upon and continued by the burghers, left an influence which was not altogether for good, and though, politically, the burghers have, in individual cases, risen to very high position, generally they are not so well spoken of by the English of this generation as they were by a former race of colonists. This, however, is not so much the fault of the burghers, as of the changed state of society, by which there is the slightest possible intercourse kept up between the two classes. Formerly English gentlemen and burghers lived together in the same house; now it is a great thing if they meet on an equal footing.

Throughout the land the burghers are the people most acquainted with the administration of the law and the conduct of Government, for they are most frequently the instruments employed in the carrying out of both. Natives, it is not to be denied, are employed in large numbers; but that employment, to a very great extent, takes the shape of headmenships, perpetuating the old authority which chiefs and others possessed under Kandyan kings and Singhalese low country monarchs. Themselves interpenetrated with European civilization, the burghers, as has been said, are the interpreters of the ever-changing, shifting English race—(statistics prove that the English population of Ceylon is changed every ten years)—to the people of the country, and are lifting these latter to a higher level than the intermittent efforts of the

strangers could do. To the native sensible of and desirous for advancement, social and political, the remark may be made, 'The burghers ye have always with you: in and through and with them ye may walk forward.'

The Ceylon Legislative Council is composed of nine officials, aided by six unofficial members, nominated by the Governor. A recent ruler, Sir William H. Gregory, when a vacancy occurred by the retirement of one of the unofficials was in the habit of consulting the classes concerned. If the vacancies were of the planting and mercantile representatives, His Excellency applied to the Planters' Association and the Chamber of Commerce respectively to nominate two or more gentlemen having the confidence of the members, that he might from the recommendations select a representative. The burghers and the natives have no such institution to which appeal could be made. Nevertheless when, in March, 1876, the burgher seat became vacant so strongly was the political feeling of the class aroused that a keen contest between two gentlemen, informally nominated, took place, a public meeting was called, and a majority was obtained in favour of one of the candidates. The Governor was so far amenable to this display of public feeling that he conferred the post upon the popularly-chosen man. Even without free representative institutions the burghers are a political power in the State, and exhibit an independence of feeling and action which augurs well for the due preservation of rights once acquired when *quasi* self-government is granted to Ceylon, as granted it must be ere long.

THE BURGHER IN SOCIAL LIFE.

Only a few years ago, when the burghers of Colombo (and what is said of them will apply also to those resident in out-stations) lived within easy walking distance of each other, and had not erected for themselves villa residences

in suburban localities, many old Dutch customs, on which had been engrafted some Singhalese practices, were in vogue amongst them in full force and vigour. A description of these has been collected in the form of a lecture by one of their number, a practising advocate, and, taking a compatriot from the cradle to the grave, he tells of the quaint doings which marked various stages of ordinary life. One thing was not brought from Holland, viz.: the desire for a fair complexion, which all the burghers have in greater or less degree. The wish crops up in the remark made about the infant, a few hours' old, by a visitor desirous to pay a compliment, who says, 'I think it will be a fair child,' to which all present assent with murmuring approval. The English maxim is reversed; it is here 'the ruling passion strong at birth.' The birth itself had been signalled by the continuous striking of a brass pan, the reason alleged being to 'drown the cries of the infant lest evil spirits should be attracted to the spot.' And so on, further rejoicings and distinctive ceremonies marked the appearance of the first tooth, the first shaving of the young man's beard, the arranging for a marriage when the young people had become 'smitten' with each other's charms, the ceremonies at the wedding, the celebration of silver wedding and golden wedding, the funeral whereat was 'great lamentation, and weeping, and mourning,' these events in the most common-place of lives, and many others, were made the occasion for social intercourse and pleasant meetings.¹ A widely-diffused neighbourliness was one feature of ancient burgher life. The head of the household in which the things

(1) It is only fair to remark that most of the ceremonies alluded to are *native* superstitions and practices. Considering what a large number of servants, and many of them old and faithful slaves, there used to be in burgher households, it is not surprising that the servants were allowed to do as they liked, as long as what they did 'pleased them and hurt nobody.' It is singular that these practices exist in Madras among the lower classes of the Eurasians.

just described took place was very probably chief clerk in a Government office, or book-keeper to a mercantile firm. The old burghers were said to be very trustworthy in this capacity, so at least remark those whose reminiscences of by-gone times are becoming of a roseate hue, chiefly because the times are far off, and who, in addition, are at present plagued with clerks not remarkable for steadiness or assiduity in business.

The type of the old burgher clerk is described in the story of the book-keeper who made it a matter of religion that his ledger should balance, and who never ventured to strike that balance on a week day. Instead of that, on each Saturday evening the office peon took the firm's ledger to the book-keeper's house. On Sunday morning it was taken in hand, prayed over, and the totals set one against the other. If they were found to agree, the book-keeper would be a worshipper at the morning service at Wolvendahl (Dutch Presbyterian) church or at the Baptist Chapel, but if otherwise—neither legend nor record existeth to indicate what then happened.

Another good story of old-fangled notions and out-of-date Toryism was exhibited by a Dutch burgher so recently as 1866, the year in which a scarcity of rice was felt in Colombo. At the time when the scarcity was most greatly felt, Adrian Labrooy, in conversation with a friend, expressed his amazement and confessed his inability to understand the short-sightedness of Government in not establishing a rice store and competing with the chetties, so as to keep prices down. The salt revenue (he argued) was an admirable thing in the hands of Government, and why should not the sale of rice be similarly undertaken? Meanwhile he was convinced that it was a great mistake to make railways and telegraphs, but worst of all, the cardinal mistake of British rule was allowing coolies to come from India to work on coffee estates and in Colombo stores, for, of course, that was the cause of scarcity and

the high prices of the staple. 'They ate the children's bread,' and the children had to go without. He was a Ceylonese Dutch personification of Dickens' Mr. Spenlow of Doctor's Commons, in 'David Copperfield.' 'Discontented people might talk of corruption in the commons,' Mr. Spenlow used to say solemnly, 'but when the price of wheat per bushel had been highest the commons had been busiest, and a man might lay his hands upon his heart and say this to the whole world, "Touch the commons and down went the country."'" As the price of wheat in conjunction with the commons was too much for Mr. Spenlow, so were the economic questions contained in rice and salt and Government dealings therein to one Ceylon-Dutchman at least. Combined with inaccessibility to modern ideas of political economy was much kindness of disposition in this particular old Dutchman's mind. He held a note of a fellow-countryman's for 300 rix-dollars. The debtor became reduced in circumstances and avoided his creditor; the latter, however, found him out, took him home with him to dinner, and after dinner offered his guest a cigar and the torn note, already burning, wherewith to light it!

As a class, the burghers are thought by most Englishmen to be given to dressy display and ornamentation of the person,¹ a practice leading to chronic indebtedness to Moor traders, who mainly do the shop-keeping business of the island. In this respect the community are said to be getting worse than they were hitherto wont to be. A defence of them, however, has been made to the writer in the following remarks, which, however, leaves the matter pretty much as stated above:—'The clerks, who

(1) A Ceylonese friend remarks upon this expression:—'Only as very young men. They soon give it up and marriage completely dissipates the failing. The young burgher of to-day cherishes his Savings Bank Book and not his wardrobe. The community are *not* getting worse in this respect. They now spend less in shops and more in home comforts.' A Madras Eurasian gentleman who saw this remark adds, 'I wish this could be said of the Madras Eurasians.'

constitute the great body of Dutch burghers, are miserably underpaid; they marry early, and are, of necessity, in a chronic state of indebtedness, and this in the effort to procure the bare necessities of life. One new bonnet at Christmas, and a few muslin dresses during the year, are all the average burgher wife aspires to. The thrift and economy with which they strive, and often succeed, in "making both ends meet" is deserving of all praise.'

The professions the burghers most take to are those which may be styled genteel, which is a consequence of the lack of energetic physical force which marks them as a rule. In the medical profession and at a desk they are *facile principes*. The greatest ambition, however, that is cherished by the burgher lad is to get into Government service. Not only because there are prizes there, such as the First Assistant Colonial Secretaryship, and Assistant Auditor Generalship, both, in 1876, in very worthy burgher hands, but also because of the pension secured by a length of service, and a certain aroma of undefined respectability which hangs about Government employ, attractive to semi-orientals as much as to indigenous Easterns; indeed, such occupation has a fascination for the ablest among them, which is hard to be understood. Consequently, the 'volunteer' clerk in an ordinary business firm, has been known to fill up his spare time, and time that was not 'spare' but which ought to have been otherwise occupied, in covering whole sheets of foolscap by conceiving possible bliss, which takes the shape of writing his name thus—

F. JNO. BROHIER ALBUQUERQUE, C.C.S.

in all imaginable forms, the variations, however, being generally played upon the three capital letters at the end, which are written in many forms and in diverse ways. This however, does not so much refer to the class whose education and ability would fit them for the

Civil Service proper: the "C.C.S." of such aspirants refers more to the chief clerical service than to the charmed covenanted circle, which can now only be entered by a writer who has had an English training. The great body of young clerks and proctors in Colombo, some of the most pronounced natural ability, were not a few of them unable to finish their scholastic career from want of means. Paterfamilias has a large family, the younger brothers and sisters require schooling and clothing, and the young men have reluctantly to leave school and take to 'quill-driving' in Government, legal, or mercantile offices, not because of a particular fascination about pen-work, as from the fact that there is no other career open to them. Not many of them have taken to coffee-planting. This has frequently been quoted against them as a cause for reproach, but it is hardly fair to look upon the fact in that light. That calling exhibits so many charms for Englishmen of character and wealth that the comparatively physically and financially poor burgher has no chance in the struggle which, in coffee-planting as in all things else, ends only in the 'survival of the fittest.' One burgher, and one only, has made money out of this pursuit, and he has retired at middle age, in the flower of life, with a fortune estimated at two-and-a-half lakhs of rupees.

The individual burgher is a very law-abiding, peaceful citizen. Youthful vivacity and mischief bubble over and find vent in cutting a neighbour's tats, much as 'the watch' used to be assaulted and knockers wrenched off-doors by the *jeunesse dorée* of England three-quarters of a century ago, or less. The strong, home-loving tendencies of the burghers, affection for kindred, and general tenderness of conduct probably account, to some extent, for this mild phase of character. The burgher is not martial nor given to fighting; nothing has yet occurred in the history of Ceylon to call forth such qualities.

Save by invasion, unless he leaves his country, the burgher is never likely to have an idea of what war means in its most terrible form.

There is, it must be confessed, a virulent side to the burgher character, which finds vent in the use of foul words expressed in a Portuguese *patois*, and sometimes in sending anonymous letters. The burgher loves to sip wine, and can repeat with much glibness the arguments for moderate drinking ; as to habitual drunkenness, though it is not a habit, it is by no means unknown in the community. To an Englishman who has witnessed this vice as it only can be seen in Christian England or Holy Russia, the burghers are a sober people. The burgher reads novels, and is *au fait* with all that Dickens and Bulwer Lytton have written, whilst he swears by the *Saturday Review*. The Library copy of this publication is much thumbed and always engaged : consequently a large number of the members of the institution are among the regular subscribers to this journal that they may have unchecked perusal of their favourite journal. That paper's *nil admirari* style of criticism is speedily adopted, the more easily because it is negative, pulling down rather than building up. The consequence of a continual study of Saturday Sadduceism, as Mr. Peter Bayne once termed the teachings of this Review, on the not too firmly balanced mind of the imperfectly-educated burgher, is not so satisfactory as to lead the friends of the community to view the operation with unmixed pleasure. The meat is too strong to be properly digested.

It is a necessary consequence of the present miserably inadequate educational arrangements of the island that there should be more of veneer and polish than good, sound, solid learning, but for this the authorities are to blame. The conduct of the Government therein has been little short of culpable ; this, however, is not the place to adequately animadvert upon it.

A few details from the Colombo Police Court for 1874 will show the general freedom from crime and wrong-doing of the burghers. It should be premised that in Colombo at least one half of the burgher population of Ceylon is congregated. Out of 11,600 persons charged with crime and misdemeanour, 180 only were burghers, while there were 113 Europeans summonsed or in custody; 5,010 persons were charged with assault; of these 90 were burghers;—of theft, 1,550; burghers 13; and of drunkenness 574; burghers 12; while Europeans to the proportion of nearly three to one were arrested for this misdemeanour.¹ When it is remembered that many of the burghers are very poor, and are in debt, it is in the highest degree creditable to the community that only thirteen persons out of seven thousand should have been charged with theft; less than .002 per thousand.

It is as a social force, as a medium of civilization, if the expression may be used without offence, that the burgher element of the national life has been particularly fruitful for good. The burghers have exhibited many of the advantages and peculiar privileges of intellectual and political life to the natives, in a way and manner which Englishmen could not have done, which would be absolutely impossible of performance by the high caste civil servants through whom, mainly, the affairs of Ceylon are administered. One of the English civil servants said to the present writer, in 1875, when a great outcry had arisen from unthinking European planters because one of their number had been imprisoned for tying up and beating a chetty, 'I look upon the civil servants as being the best friends and protectors the natives have.' In a sense the civil servants may be protectors, but the burghers have been more than that; they have been helpers upwards, and through them the natives have been

(1) If it were possible to analyse the names of these 180 'criminals,' 90 'assaulters,' 13 'thieves,' and 12 'drunkards,' it would be seen that nine-tenths were Portuguese mechanics.

brought into closer contact with Europeans and have been taught to bend their shoulders and take a share of the burden of social and municipal life.

Unfortunately, there is yet a great gulf between Europeans and Natives, even in Ceylon, of which country, however, Anglo-Indians say that, in this respect, it is half-a-century ahead of the Indian presidencies. In the discussion which took place in India in the autumn of 1875, on the subject of the Eurasian people, the *Madras Mail*, with an incisiveness and force which generally mark its utterances, said :—

‘At present we seem to look on the Eurasians as untimely fruit, and as if India would be the better for a wholesale deportation of them; but we should fully recognize what the Eurasians are in this country. The ship, without ballast or with little ballast, sails steadily enough as long as the breeze is light and fair; let a storm spring up, then is she indeed in danger of foundering; and the captain thinks remorsefully of the time when, in harbour, he could have had ballast for the asking. The Eurasians are a portion of the ballast of the ship *British India*, and woe betide the English captain, officers, and crew should they neglect that ballast! India’s ballast is human, sprung from English sires, from England’s soldiers, aye, and from her officers, too, in but too many cases, and it is this ballast that we must either allow to sink to the lowest level of the natives of the country, or banish to unaccustomed, and therefore unprofitable, labour in a strange land. What though the Eurasians have sprung on their mother’s side from the varied races of Hindustan, on the father’s side at least they belong to, and have something in common with Europeans. Is it nothing to claim paternity from the English race? Is it nothing to claim paternity of a civilized, powerful Christian people?’¹

Ballast, and vastly more beside, have the burghers of Ceylon been to the country of their birth. The life

- (1) There is really no ‘poor white’ question in Ceylon, in the sense in which it is understood in India; and as regards the Eurasians of India their ‘ban’ appears, in many cases, to be bastardy. In Ceylon three-fifths of the ‘mixed-parentage’ population are the offspring of lawful marriages, and the other two-fifths are soon themselves absorbed by marriage into the burgher class. It is also interesting to note that the illegitimate offspring of ‘mixed connections’ are more respectable on the father’s (i. e., the European) side than the legitimate. The English, Scotch or German mechanical engineer, road officer, locomotive foreman or platelayer generally *marries* the native or burgher female with whom he ‘amalgamates;’ the civil servant, the merchant, the planter, and the army officer only *keeps* her. Planters in the hill country have a class of people only one step removed from the region of the coolie lines, who live to serve their fathers (and masters) in the capacity of ‘conductors.’ I have reason to believe (says a Ceylonese gentleman) that these ‘Barbecue Bastards’ are on the increase. The planter-father, if the offspring of his illicit connection with Muniamma of the coolie-lines or Menicka of the next village, happens to be a girl, generally cares for her, has her educated, and sometimes ships her home to his friends and provides for her in his will; but if the ‘accident,’ happens to be a boy, he is allowed to grow like a weed on the estate, picks up a smattering of the three R’s, and lives to be a conductor!

of the late Sir Richard Morgan is loud-voiced and emphatic on this point. For many years chief law adviser to the crown, he became acting chief justice, and was offered the refusal of the permanent occupancy of that exalted post: his career is a striking instance of what sterling merit and hard work can attain unto, even in a crown colony, where the majority of executive officers of the first rank are sent from England; yet throughout and in it all he showed that it was possible for a man to be the hearty friend of all the races in the land. The present writer happened to be in the supreme court of Ceylon the day after Sir Richard's decease, when a tribute to his memory was paid by the other judges. In the wide portico of the building, he saw on the features of influential and wealthy natives of different races tokens of deep-felt anguish, and listened to the most heart-broken testimonies to the departed man's worth as a guide, counsellor, and friend. Before the native had finished his tribute to departed greatness, the voices of Englishmen were heard in equally loud praise of the same qualities as those which had captivated the affections of Singhalese, Tamils and Moors alike, whilst those of his own race felt themselves most bereaved of all. The same evening at the funeral it is hard to say which of the five races in the island was the more largely represented at the open grave, to pay the last token of respect to the memory of a man who was pre-eminently a binder together of diverse races, having the blood of both the 'stranger within the gates' and the 'son of the soil' in his veins, and able to 'put himself in the place' of each—that essential requisite of a peace-maker. Certainly in the concluding words of 'Enoch Arden,' slightly varied:—

'The town had never looked upon a worthier burial.'

This record of the career of one man is but typical of the influence attainable by all the best among the

burghers. They have been and are a civilizing and leavening influence, which, instead of causing 'degradation to an economic standard,' has been an uplifting force to a higher social strata. Ceylon, as one of its characteristics, has a large number of small towns, where every man is known to his neighbour, and where any influence that has living power within it is calculated to tell. In every such provincial centre are burghers of the stamp referred to to be found, though also there are undeniably exceptions, particularly when they are lawyers more anxious for fees than for the peaceable settlement of quarrels.¹ On the whole, however the tendency of their influence has been for the advancement of civilization, the spread of kindly feelings, the breaking down of race barriers, and the consolidation of British rule in such a way that self-government and independence, peculiarly English qualities, have been transmitted throughout the body politic, until physical force, save that of the policeman, seems a superfluity in the island.

One proof of this drawing together of burghers and natives is seen in the fact that the burgher newspaper, the *Examiner*, looks upon itself as the champion of the natives as well as of the class to which its editor and conductors belong. Correspondence, in 1876, found a place in its columns in which it was proposed that distinctive names,—such as Burgher, Singhalese, Tamil, &c.,—should be dropped, and the term Ceylonese be adopted by all. Intermarriages, it was argued, take place, and the sooner race-names drop from the lips the

(1) 'SLANDER,' protests a burgher gentleman. 'But for the burgher lawyers many of the "provincial centres" would be official sleepy hollows. Every social movement, if it is not initiated, is materially helped forward, by the burgher lawyer. Where is the "prominent native" in any out-station? The Local Improvement Ordinance will show you whether the burgher lawyer is "more anxious for fees" than the good of his fellow townsmen. The Singhalese and Tamil lawyer in Colombo as well as in out-stations is generally a man of means independent of his profession: in how many instances has he come forward to do good? The "peaceable settlement" of many an out-station quarrel is due to the burgher proctor or burgher head clerk of the court or cutcherry.'

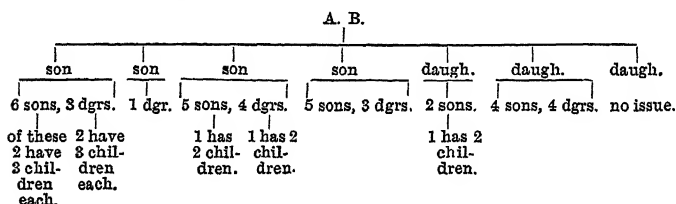
better for the well-being of the whole community. Certain it is that in miscegenation European physique and characteristic are not absorbed and lost ; whether they will be eventually, there is not yet evidence enough to give a definite affirmative answer, and it would be rash to reply in the negative. In any case, up to this point in their history it may be claimed for the Eurasians of Ceylon that they have greatly helped and aided that ingraft of Western civilization on their country, which England seems destined to be the means of injecting into the veins of the moribund life of the East, and thereby to cause its peoples to start into newness of life.

THE NUMBERS AND PRESENT POSITION OF THE BURGHERS.

Unfortunately, as has been already remarked, the full data are not available upon which an opinion might be founded as regards the acclimatization of Portuguese and Dutch in Ceylon, nor is the extent to which native blood has become mingled with European venous and arterial fluid to be easily arrived at. It is undeniable that the burgher section is increasing in numbers. When the British made their first enumeration of the people, confessedly imperfect as regarded the natives but nearly exact with respect to Europeans and European descendants, there were fewer than one thousand Dutch burghers, and from four to five thousand Portuguese. This was in 1803. In 1846 there were nearly seven thousand burghers ; Dutch largely predominating, Portuguese becoming fewer. When the census of 1871 was completed, it was found that the multiplication of this species had so progressed that the numbers were then nearly fifteen thousand. The figures of 1846 can scarcely be looked upon as trustworthy : otherwise there would be the very uncommon instance of a generation of years sufficing for the doubling of a section of the

population. Yet this may have been, if the following facts are applicable in a large measure, as they are said to be. How many of the marriages of burgher youths and maidens took place with educated natives, or whether all, of both sexes, were burghers, does not appear in this table, though such details are given in another case a little farther on. Nevertheless the facts as they stand are interesting:—

A. B. died in 1860, aged 71, leaving four sons and three daughters. In 1876 the issue was as follows:—



So that there were in 1876 living fifty-five souls descended from A. B., who was born in 1790.

M. N. is a man of about 50 and has a sister a year or two younger; he has fifteen children; four of these are married and have six, five, four, and three children each respectively. M. N. has been married thirty years. In addition to his fifteen children he has eighteen grandchildren, a progeny of thirty-three in less than as many years. One good old lady has been heard to boast that she has four grandchildren presented to her every year.

Again, of the E. F. family, there are alive sixty-four souls, descendants of one man, who settled in Ceylon early in the present century it is believed.

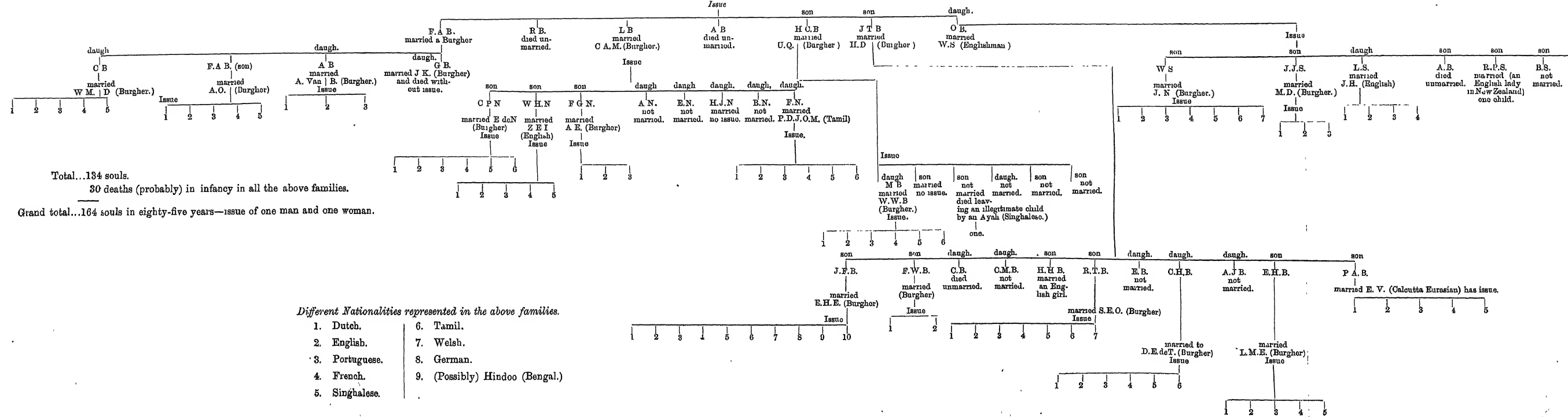
The very elaborate table which faces this page of the marriages in one family, with the nationalities represented, is of peculiar value, and shows to how great an extent the indigenous races of the island and strangers from lands afar have amalgamated. The table is made up to 1876 only.

CORNELIUS ARNOLDUS B —, PURE DUTCH.

MARRIED

ARNOLDINA G —, BURGHIER.

MARRIED IN 1790.



Total...134 souls.

30 deaths (probably) in infancy in all the above families.

Grand total...164 souls in eighty-five years—issue of one man and one woman.

Different Nationalities represented in the above families.

- | | |
|----------------|--------------------------------|
| 1. Dutch. | 6. Tamil. |
| 2. English. | 7. Welsh. |
| 3. Portuguese. | 8. German. |
| 4. French. | 9. (Possibly) Hindoo (Bengal.) |
| 5. Singhalese. | |

To a larger extent, in the period from 1846 to 1876 than from 1796 to 1846, the burgher ranks have been recruited by a contingent which, for identification sake, may be termed Anglo-Asian. The number of Englishmen in the colony has been large; until within recent years, very few of them, save some resident in the towns, were married to Englishwomen. The consequence is obvious. This is a mere guess which places the fruit of those unions at from seven hundred to a thousand souls, but the estimate is not altogether made at random. Even with this alliance it will be seen that the Dutch burghers are so far prolific that there is no present fear of the race dying out, especially as it is likely to be largely recruited by the natives, and to a somewhat slighter extent by Europeans.

The census returns, in which, of course, the description of an individual's nationality is given by himself, exhibit the burgher class as made up of many diverse elements, which will appear from the following summarised table :—

	Male.	Fem.	Total.		Male.	Fem.	Total
Anglo-Indian ..	0	2	2	Goonese ..	2	0	2
Burgher ..	3,028	2,743	5,771	Half caste ..	14	8	22
Ceylonese ..	79	97	176	Indo-Briton ...	20	28	57
Dutch ..	1,078	1,178	2,256	Indo-Dutch ..	2	0	2
Dutch descend- ants ..	390	393	783	Indo-Portuguese ..	2	1	3
East Indian ..	43	22	65	Irish descendants	4	7	11
English descend- ants ..	43	40	83	Polish do ..	1	0	1
European ..	1,736	1,695	3,431	Portuguese ..	630	599	1,229
Euro. African ..	0	1	1	Portuguese des- cendants ..	31	20	60
European des- cendants ...	81	83	167	Prussian descend- ants ..	2	0	2
French descend- ants ..	13	16	29	Scotch ..	2	2	4
German descend- ants ..	17	7	24				
				Total...	7,231	6,951	14,581

As might have been expected during the eighty years that have elapsed since the British acquired Ceylon, new accessions have been noted. The English, the Scotch, and the Irish descendants have been added from India, these being distinct in origin from the fruits

of local mixtures, the Singhalese being different from Tamils but having some affinity with 'Bengal Eurasians,' the stock on both sides in each case being Aryan. With the increase of education, wealth, and social intercourse and the narrow field for inter-marriage these sources have been eagerly availed of for matrimonial alliances and miscegenation has continued to be the rule. With the increase of the Singhalese people in wealth and civilization, cross-marriages with them will follow, as indeed has been the case in recent years, to a certain degree.

It is evident that the sympathies of a race recruited largely from inter-marriages with natives will not be exactly the same as that of one recruited from European marriages. But it seems natural to expect that a principle of selection which will lead natives to seek Eurasian alliances may be attended with a similar principle leading members of the latter community to seek pure European alliance. If the ruling power were to avow in its acts a partiality for the complexion resembling the European, the mixed race would certainly have a strong inducement to cross with the fair race. If the same preference is avowed on the ground of descent rather than that of colour, as less invidious in expression, the tendency will be the same. If mere colour is a powerful social advantage there will be a certain tendency to cross with Europeans. This principle of selection may not be generally acted upon owing to other circumstances of limitation, but it will be detected working insensibly and showing examples whenever an opportunity occurs. There is a very limited field for such a selection within the limits of the island; such examples therefore may be expected where youths are sent out of its limits for education or travel, of which there are numerous instances.

Independently of the effect of any political patronage,

the operation of social sympathies will seek alliances in the kindred race that is superior in social advantages. Then, again, the element of European intermixture once introduced, the European parent will generally seek to repeat the intermixture in the same direction. In such a constitution of colonial society what more natural than to meet with an extreme sensitiveness about the point of European descent? If, therefore, the dominant European race does not discriminate between races, it shows itself in one respect undeserving of that dominancy. Let this be tested in the following way: By the Regulation 9 of 1818 certain children emancipated by the proprietors of their mothers had the full benefit of this emancipation secured to them. By the Ordinance 20 of 1841 the total abolition of slavery in Ceylon was declared. An effect of these measures was that from 1818 large additions were made to the Portuguese-speaking class. These additions and their offspring would most certainly be returned as 'burghers' or 'Portuguese' by the system of numbering the people adopted by the Government. How unjust then to the descendants of Portuguese and Dutch citizens this conglomeration practically becomes may be gathered from the published statistics of crime, to which reference has been made,—comparatively good as its results are,—for the misdeeds of the two classes, morally so widely separated from each other, are actually described under one common heading.

In the same manner writers like Mr. Sirr applied the sins of the recently emancipated class to their late masters and proprietors. This social injustice is repeated by European employers without discrimination; and it is an injustice which has existed for many years. In addition to wounding the self-respect of an inoffensive and deserving class of the inhabitants, the effects have been very demoralizing in the case of the burgher youth who,

whilst encouraged to abandon prejudice and embrace liberal social ideas, have been thus taken in the flank and morally overthrown. The moral standing and respectability of any class of its subjects is a matter of some importance to a politic Government. Social institutions appeared more clearly and with simpler outlines fifty or sixty years ago than they do now. There were as able English statesmen then as now, and it is well to remember what then appeared to them to be a true policy, which has already been described in what has been related of Sir Alexander Johnstone, and shown in the passages quoted from his writings.

To return, however, to a consideration of the results of the most recent census, tabulated on a foregoing page.

Evidently, if the statement of Cordiner can be relied upon, that there were from 4,000 to 5,000 'Portuguese' in Ceylon soon after the Dutch capitulation, there can be no doubt this class is dying out,—that, too, very fast,—and as a separate people should soon be unknown. It may be that they are being absorbed into the Singhalese race; but certainly personal observation of the large families some of them have, and other circumstances, would lead to the opinion that 'rigour and vigour' have not yet left them.

As a rule, the burghers generally are not robust, and not a few of the young men grow up narrow-chested and consumptive, and die before reaching their twenty-third year, whilst, it must be confessed, others are very fine specimens of the *genus homo*. The best amongst them, however, easily succumb to fever, not in a sickness unto death, but sufficient to lead to enforced idleness for a short period; while it does not seem to require much extra-exertion to induce a complaint of 'side-pain,' which is an excuse for absence from work which burghers share with the natives; this complaint, it is said, is attributable to enlargement of the spleen.

As has been already remarked, the Government service contains the largest number of burghers. Sir Henry Ward, Governor of Ceylon, 1855-60, said of them that they were 'the brazen wheels which, hidden from sight, kept the golden hands of Government in motion,' an apt simile, and one as often quoted by the community referred to as is the remark respecting the coffee planters alluded to by Europeans, viz., that they are 'the backbone of the prosperity of the island.' Others as advocates and proctors, and in corresponding social positions, rise to competence, though not often to affluence. Government employ is, to the educated burgher, almost what the Army and Navy and the Established Church combined are to the scions of 'good families' in England, whose hands must not be soiled with manual toil. It casts a glamour over them to a degree which colonial Englishmen cannot always understand: they were much puzzled in 1876 at seeing a burgher of great attainments, leader of the Supreme Court bar, give up his high unofficial position to become deputy Queen's advocate for the island.

It must be confessed the burghers are often unfairly condemned on account of a penchant for Government and clerical service generally. If, with half-a-dozen other careers open before them, they still manifested this preference, cause for censure would exist. But, in Ceylon, no other career is to be found, save the medical, and the high position of burgher gentlemen in it is unquestioned. There are no manufactories for the uneducated and poor to earn daily wages in, and to find employment for the educated on higher directing spheres, as foremen, &c. Would the burghers go into trade? They have to face keen competition from the shop-keeping and itinerant Moor and Hindu traders. Would they strive to succeed as merchants? The British, with command of much capital and with home connections, shut them out on the one side, while the chetty, dealing in rice and Manchester cotton

goods, one of a large confraternity settled on the Indian coast, whose individual expenses are almost nil, crowds the burgher altogether out of the field. They cannot even become large land-owners and tillers of the soil, because the land in the low-country is mainly in the hands of natives, the law of inheritance being such that the soil and its produce are often infinitesimally divided.¹

Consequently, it may be said, without any disrespect to, or implying censure of any kind upon, the burghers, that this state of things has caused the development of a class of human beings exactly fitted for such duties as have been described as specially affected by them. Nature is not wasteful of her gifts, and does not endow her children with qualities they are never likely to call into active exercise. She adapts means to ends. The energetic Englishman finds the type, superinduced by circumstances just detailed, very defective, and so it is from his stand-point. But he himself only represents one phase of life; that exhibited by the burghers of Ceylon is another, equally necessary to round off a complete state of society, and particularly adapted to the requirements of the social life of which they form a part.

Their social kindness and mutual helpfulness are proverbial. Of the burghers, the late Rev. Dr. Boake, for many years Principal of the Colombo Academy, remarked a few years before he left Ceylon, that while the Ceylonese father sacrificed quite as much as an English parent to give his son a good education, the burgher son was more exemplary than his English fellow in acknowledging the claims of his parents on him in old age or in poverty. As a rule, the burghers are most thoughtful

(1) The law of inheritance in Ceylon is the Roman Dutch law, which gives the children, in the event of there being no will, an equal share in the property. So, if Appuhami (a Singhalese man) is entitled to the planting share, *i.e.*, half of one jak-tree, has four sons and three daughters each get one-seventh of half, *i.e.*, one-fourteenth of a jak-tree. This is no fancy sketch. The records of any district court in the island would give many curiously illustrative incidents

of their elders, and in their domestic relations are singularly blessed. The female portion of the community values most highly the strictest propriety and decorum, and the ladies are distinguished for devotion and faithfulness. The family feeling is very strong, and the sacrifices which brothers, struggling in a profession, and with young families of their own, will make that a younger brother may go to England for university training is certainly not surpassed by similar good deeds in more civilized and favoured countries.

Generally prosperous, though seldom rolling in wealth, there is nevertheless not a little poverty and suffering amongst the burghers. Cases of distress, through want of employment and so on, are to be found, but not greater than exist among a similar class in an ordinary town in England. There is no poor-law by virtue of which the poverty-stricken may 'demand' relief as in Great Britain, no workhouse for orphaned children, and it often happens that a struggling clerk or compositor, with a rising family of his own, will take over, support, and set agoing in the world the family of a deceased brother or sister. In 1869 the Friend-in-Need Society of Colombo had on its books, either as permanent or temporary recipients of relief, 87 burghers out of a total of 382 to whom assistance was granted. In 1875, 140 burghers were relieved out of 494 recipients, which shows that, whilst the total distress had only increased 25 per cent., the distressed amongst the burghers was 75 per cent. greater than it was seven years previously. This, however, partly finds explanation in the dullness of trade in 1875, owing to a short coffee crop and the failure of several mercantile houses connected with those London firms which Messrs. Alexander Collie & Co. brought down with a rush. The amounts which are paid by the Friend-in-Need Society barely suffice to keep body and soul together, ranging as they do from

Rs. 1-2 to Rs. 3-12 per mensem, with, as a maximum to a European widow, Rs. 7-8. The number of children under twelve years of age dependent upon parents receiving these pittances is about 190.

Here it is that the Government, especially a paternal one like that in Ceylon, ought to step in and prevent further degradation. Were there free and representative institutions in the island the people themselves might be depended upon to take the necessary action. That action would be in the form of a central Industrial Training School, of the kind similar to those the (English) Local Government Board have in large numbers in the metropolitan district. To these children should be compelled to go, their widowed mothers being still relieved as now by voluntary contributions, which would not be lacking.

Detailed description of the work to be done by such an institution need not be given here, but it may be stated that one such large training school at Colombo would suffice for the accommodation of the destitute children of all races in the island, at present within the scope of relief given by the various Friend-in-Need Societies. Only by Government can such a project be successfully initiated, and the comparatively small expenditure could be easily raised by an absurdly light tax on the produce of absentee and other proprietors, which is now shipped untaxed from the island, and from the proceeds of which they live in comfort in Europe or elsewhere.

As regards the burghers generally, the supply of labour of the kind they are most fitted for has not outstripped the demand, nor is it likely to do so yet awhile, in view of the increasing commercial prosperity of the island. Certainly public meetings do not have to be called in the island as they have been in Calcutta, Madras, and Allahabad, to enquire what shall be done for our 'poor white.' The 'poor white' of the large cities of India, living in the native bazaars, and degrading

the European character in the eyes of the natives, if not altogether, is comparatively unknown in Ceylon. Christians (Protestants and Romanists) in faith, fairly assiduous in their attendance on public worship and in their practice of christian virtues. as citizens law-abiding. as members of the general community not defrauded of their share of gain for labour performed; treated by honourable and high-minded Englishmen as equals, the burghers of Ceylon are a source of safety to the nation, and, when better understood and more generously trusted, are likely to become still more powerful for good than they have hitherto been.

THE FUTURE OF THE BURGHERS

The question has already been considered, incidentally, "Will the burgher race in Ceylon die out?" It may emphatically be answered in the negative. But the races united in the community will, as has been shown, become more and more diverse. Were the Dutch families intermarrying only among people who had come from Holland and their descendants were unmarried to natives, marrying entirely among themselves, the question of the acclimatization of the European race in India and possibility or impossibility of such a thing, might arise. As it is, the burghers will probably not prove to be the class from whose experience the question will receive confirmation or disproof. So much have they become identified with the natives that marriages with the latter have largely taken place and, as has been remarked, are likely to increase. vigour will be introduced into the race on that side, whilst from another quarter European energy and force is imparted.

Many burgher young men, educated in Edinburgh and Aberdeen, have taken to themselves bonnie Scotch lasses for wives, and have strong, healthy families. Europeans employed on railways and elsewhere, and

even those in higher stations, marry burgher or native women, and scarcely a case has come within the cognizance of the writer where such a marriage has been unhappy, or whence untoward results seem likely to flow. Generally law-abiding, steady, and often religious, these people would be a guarantee for moral order and the upholding of British rule, were it not that the natives of Ceylon are so thoroughly identified with their English rulers, and the English race, that they would neither desire to see them depart from the island, nor would they raise a hand to speed them forth. Consequently, the 'poor white' question in Ceylon is robbed of those political perils which make it such a menace to the British occupation of India.

Circumstances which have recently occurred would seem to indicate that longevity is not to be a characteristic of the class; but this conclusion seems mocked and robbed of any force in face of the fact of many very aged burghers being still alive. Looking at the careers of the most notable amongst the burghers, it would seem as if the brilliant talents which marked their early years suffice to push them rapidly to the front, adding lustre upon lustre to the achievements recorded until the fortieth or fiftieth year was reached, just when Englishmen are in their prime, when they suddenly collapsed and passed away,—exhibiting, not complete and rounded off lives, but magnificent careers cut short ere promise had ripened into fulfilment. Unlike many English political and professional men the burghers do not out-live their public lives and exist upon the memories of a past, but, dying in the full possession of their powers, the gap they leave is the greater, and the more splendid do their achievements seem in the eyes of their countrymen.

Perhaps the ablest Ceylonese of his generation was Mr. Charles A. Lorenz, Prussian on his father's side;

he died at the early age of forty-two years, after exhibiting magnificent powers. James Stewart, Scotch paternally, had he been spared beyond his thirty-first year, would have done great things in the Government service, for he already stood on the highest steps of the legal ladder of local fame. Sir Richard Morgan, first of Her Majesty's Eurasian subjects to be knighted, died in 1876 at the age of fifty-four. Others there are who have not died, but they have been withdrawn from the conflict of life, the delicate and subtle machinery of the mind giving way. It would not be proper to reason from the few conspicuous cases of early decease, to some of which prominence has been given, that the burgher race is a short-lived one: particular causes have intervened which would not apply generally, and many cases might be cited on the other side, showing great longevity.

It is urged that the reason for the early deaths mentioned is easily explainable. One man living the lives and doing the work of two or three men, cannot expect to exist long in a tropical climate. The zeal of the individuals mentioned was so great that they forgot what they owed to themselves and to their families, and worked themselves to death.

This, however, does not exhaust the whole question, and unpleasant as the task may be, the truth should be told, and the state of things boldly faced, with a view to a remedy being applied. Medical men in large practice in Ceylon support the view expressed in those pages, that the present generation of burghers is passing away at a much earlier age than previous generations. The average of life is greatly reduced. Fifty to fifty-five years is now the maximum of the life of men in active work, and when death comes it is found to be caused by preventible disease, *i.e.*, very frequently from disease of the liver or other organs caused by indul-

gence in intoxicating liquors. Their Dutch forefathers indulged in 'gin and bitters,' but imbibed very sparingly; the Dutch descendants of this day, following the example freely set by English residents, are not so abstemious as they ought to be if long life be a desideratum.

In an early portion of this chapter it was stated that, as a rule, the burgher is not given to drunkenness neither is he, but continual and every-day moderate tipping is proving the ruin of many constitutions, originally strong because inherited from vigorous parents. The peculiar middle position the burghers occupy in the body politic of the community renders them specially open to the temptation to which so many of them succumb with disastrous results. The evil is not an insurmountable one, and, if taken in hand by the leading members of the community in this generation, might be speedily checked. Certainly, the stimulants to which such free recourse is had are altogether unnecessary in such a climate as that of Ceylon.

A return of interments in the Borella cemetery, Colombo, shows how lamentably few are the 'days of the years' of the burghers of the present time, while an analysis of interments in other burial grounds in the city tell a similar story. These are facts of great moment, and the interests of the community demand that they should be at once recognised and remedies taken in hand.

The vein from which such men as those who have been named were produced is not yet worked out, and the widening necessities of the times demand that a succession of such should be fostered if the position of the class is to be maintained. To this end there is scope for the exercise of effort on the part of the authorities. It is not desired, for one moment, that this class should be pampered at the expense of any other section, or the whole, of

the community. What is demanded for them is sought for all, and in a fair field, with Tamil, Singhalese, and Moorman, they have no need to fear.

As regards education, in which in a country like Ceylon the initiative must rest with the Government, nothing whatever has been done to provide learning one whit in advance of that which was taught in an English grammar school at the beginning of the present century¹, when science, instead of being widely diffused and honoured as it is now, was being barely tolerated in Franklin, and shamefully persecuted in the person of Priestley. The consequence of this lack of suitable teaching is that in the higher branches of the scientific departments burghers are conspicuous by their absence. And it is only in these departments that there is any lack of them. This cannot arise from the absence of faculties likely to respond to such tuition as is required, for in acquisition of medical knowledge and legal lore, demanding close attention and application, they yield place to their European confreres only in extent and value of practice, and that owing to prejudice on the part of some against colonial lawyers. The faculties for good and exact work are there; they only want calling into action.

The contest for the burgher seat in the Legislative Council, to which allusion has been made, was signalized by the publication of a political cartoon by the burgher newspaper, the *Examiner*, which in the exactness of the human features portrayed and the happiness of the idea depicted, was surpassed by none of 'Caro's' most successful drawings on the stone, when that artist brought short-lived popularity to the *Indian Figaro*, and laid bare the working, and exhibited to all India the personnel, of

(1) This was written in 1876. The year after, thanks to pressure brought to bear privately upon Government and the Director of Public Instruction, and to the efforts put forth by Sir M. Coomara Swamy in the Legislative Council, this reproach was removed. A science teacher—a B. Sc. of the University of London—is now on the educational staff of the colony.

the Baroda Court. Further, previous sketches by the same artist received high commendation from the (London) *Athenæum*. In the broadening social and mercantile life of the colony, ample scope would be found for the energies of the people in art and in strictly scientific pursuits, were the Government, of what is now one of the most prosperous colonies under British rule, alive to the duty it owes to the subjects it avowedly governs 'paternally.'

The reference to the 'paternal' rule of Ceylon opens up a question far too large to be dealt with at the close of this chapter, but in regard to the future of the burghers it is of vital and pressing interest. That question is, whether or not the time has come when a *quasi* representative Government should be established, and the people entrusted with the franchise. The writer thinks it has. Reasons in favour of this boon being conferred might be multiplied. We can now only look at some of the reasons in the aspect they bear to the class with whom we are now concerned. Elsewhere¹ the writer has shown the fitness of the natives for the franchise, and the good its conferment upon them would do; the advancement of the whole island which would certainly follow. In his work on Representative Government, Mr. John Stuart Mill enumerates qualities which ought to be possessed by those to whom the franchise is to be entrusted. Every one of these qualities finds a place in the burgher character, individually or collectively, and, if voting power and governing scope were granted, would lead to such an upliftment of the national life as would ensure prosperity to the colony.

Purely native and burgher interests have not been so intelligently considered in the Legislature as they might

(1) In a pamphlet gratuitously circulated early in 1877, entitled "Representative Government: not nominated and narrow, but elective and broad. An appeal to the people of Ceylon. By a Ceylonese. Calcutta: Thos. S. Smith, City Press."

and ought to have been, to make certain the prosperity of 'sons of the soil' proceeding side by side with that of the colonist European, merchant, and planter, which has been great. Without neglecting large mercantile and planting interests, the claims of the people of the country might be considered and acknowledged, enriching the national life by the increased manliness given to the individual; the opening-up of hitherto neglected and peculiarly native parts of the country; putting upon every man's shoulder a share of the burden of government, and arousing an interest in what is going on in the country

Even on the lower principle that 'taxation without representation is tyranny,' the franchise should be granted, for every able-bodied man in Ceylon between the ages of sixteen and sixty—soldiers, emigrant coolies, and Buddhist priests alone excepted,—the villager as well as the resident in towns, ryot and artisan, merchant and clerk, pay a direct tax for the up-keep of roads every year. Direct taxation, in the shape of the income tax, was swept away in India because of the tumult and discontent it caused: in Ceylon the commonest cooly pays his annual quota in hard cash, representing four days' labour, and no disturbance is ever thought of. One great wrong connected with this system is that the man whose salary is Rs.30,000 per annum, and who probably possesses two or three carriages, pays no more, but exactly the same as his cooly to whom he pays Rs.8 per mensem, and who is innocent of any means of locomotion save by his own limbs.

An eminently conservative project would be the conferment of the franchise upon the burghers and natives (in common with British colonists,) as it would place a certain measure of power in the hands of those whose home the country is, and whose lives are to be spent within its borders. The coffee enterprise is often brought

forward as an illustration of the great good European capital and enterprise have done to the country. Undoubtedly they have been of immense benefit, but the indirect good they have conferred upon the natives is not the only light in which the subject should be looked at. The enterprise was not undertaken for the benefit of the people of the land, but for the enrichment of the colonist. Consequently, though the Ceylonese have received a great deal of benefit from coffee-planting, that pursuit also represents a great deal of wealth taken from the island to help to enrich another country, viz., England.

The number of absentee landholders all living in comfort, some in affluence, in other lands, and directly contributing nothing to the revenues of the country, is a matter which demands some attention from the authorities. If the incomes of non-residents could be taxed, and the proceeds applied to the elevation of the natives, educationally or otherwise, it would be only fair. The number of coffee estates owned by people wholly residing in England, and the shares held in companies paying a large dividend out of the produce drawn from the island, are very great indeed. An approximation could be given, but as it would not be absolutely correct, it had better be withheld.

The main object (and no great shame to them in one sense) of English merchants, planters, and civil servants in Ceylon is to make money to be enjoyed at leisure in (to them) a better land. Some few there are who have made the island their permanent home and have identified themselves with its fortunes, but they bear no quotable ratio to those who strive to lay up to themselves treasure to scatter elsewhere. Only in so far as the progress of the island means their particular advantage, can they naturally be expected to take an interest in its advancement. Let there come a time of adversity, and they, so far as they were able, would withdraw to more lucrative

scenes of traffic and labour. With the burghers, as with the natives, it is far otherwise : Ceylon is their home, and through good report and evil report they must remain in the land. Possessing, as we have seen that they do, public spirit and a desire for enlightenment, and bearing in mind the fact that with Representative Institutions the island would still be a part of the British Empire ; that Englishmen would have a large share in its administration ; that British trade would necessarily expand because it would be increasingly profitable ; that the hill-sides of the mountainous interior would continue to be cultivated with coffee, tea, and cinchona, occupations peculiarly suited to the active Briton ; surely it would be but wisdom on the part of the chief island officials, and those members of the colonial office in Downing Street who virtually govern (sometimes mis-govern) the colony from a distance of six thousand miles, to relax their hold of power and share some portion of it with those whose stake in the country and whose intelligence would guarantee their right and proper use of it. This, from a strictly utilitarian point of view, and leaving out of consideration the right of duly qualified British subjects to self-governing institutions.

These granted, a nobler generation than the present would necessarily arise. The English reform bill of 1832, rendering possible abolition of corn laws, repeal of navigation laws, experiments in improved tilling of the soil, and a national system of education, has widened the horizon of the average Englishman's life, and rendered the attainment of a higher ideal, not only possible and realizable, but actually and readily possessed, by the lower orders of the English population. Precisely the same results would follow from the adoption of a similar course in regard to the people of Ceylon. Ceylon is becoming anglicized at a greater rapidity and to a much larger extent than many people imagine. 'How very

English!' was the remark frequently on the lips of members of the suite of the Prince of Wales on the occasion of the royal visit to the island in December 1875. Especially was the forward state of the native population marked by Sir Bartle Frere, Bart., who was familiar with the more backward state of things in India.

As allies of the British, always on the spot, and their influence persistently telling upon the natives in their close neighbourhood, it is the burgher community which has been the main civilizing element in bringing about such a satisfactory state of things. Referring to the refusal of the Government of India to do anything for the poor European and Eurasian community of India, as stated in the letter of Mr. Howell, dated 15th April 1875, the *Madras Mail* said :—' The " poor white " is loosening our hold upon India.' As strong a link as any in the chain that binds Ceylon to England is a precisely similar class which, across the ' silver streak,' partly spanned by Adam's bridge, is looked upon as a source of much weakness. What has been proved to be practicable in the one country is surely not unattainable in the other. Not, perhaps, exactly in the same way, for the circumstances of continent and island, mild despotism and quasi-freedom, are vastly different, but in some way or other, surely the reproach of the ' poor white ' difficulty may be removed from the path of India's progress.

So far forward has the burgher community of Ceylon pressed that they have more than the foundations of a national life of their own, and the more persevering among them have not altogether to rely upon the incitements of English biography to stir them up to deeds of patience and of social ' derring do.' This is a great step for any people, and particularly so for such a community as this. The example of well-doing in the face of great obstacles, of successful passing through great shoals of difficulty, stirs the blood of the ardent youth whosoever may be the

hero whose deeds are contemplated, and whatsoever land may claim the hero as its own. But blood is thicker than aught else. To the French boy the first Napoleon's devotion to *la gloire* is infinitely more spirit-stirring and potent than Wellington's deification of duty, so fully and fearlessly carried out, that

" Whatever record leaped to light,
He never could be shamed "

Similarly, the English lad will never think so much of, nor be so strongly impressed by, M. de Lessops wedding Eastern and Western seas, as he will gloat over and try to imitate the persevering qualities of Richard Arkwright and George Stephenson. So again, all these combined will be as nothing to the Ceylonese lad,—whether burgher, Tamil, Singhalese, Moorman, or Malay,—as will a record of the way in which one whom they had gazed upon 'struggled upwards,'—not amongst difficulties to which they are strangers, but face to face with the same sort of trials as those which are ever testing their young efforts and checking their hopeful aspirations. On the broad-roll of those who have 'ceased from their labour' among the mixed races of Ceylon there are those who 'being dead yet speak' in strains which only need collecting and harmonising with love and sympathy to make a music that shall prove a charm against evil indolence—the great vice of the East—and call to nobler life of citizen duty.

As an uplifting and civilizing force the burghers of Ceylon have been referred to. There is one aspect of their influence, not impossibly far-reaching, which may not unworthily be pondered for a moment. Mr. Grant Duff, in his 'Notes of an Indian Journey,'¹ expresses his opinion that the English language is to become the common tongue of Hindustan. With one tongue, and that the English, will there also be a merging of the Indian past into the English past, an absorption of Hindu and

(1) Contemporary Review, 1876.

Muhammadan national life and history into English history and British stored-up experience? Such a thing has occurred in the United States and elsewhere, in places where the Anglo-Saxon race has proved itself so strong as to assimilate other nationalities without losing its own peculiarities or becoming degraded in the operation. This fact is well brought out in the following passage:—

In addition to the great advantages above mentioned, our race has another peculiar to itself—so peculiar, indeed, as to be a phenomenon in history—it has the power of swelling its number faster than by its own natural increase, yet by entirely peaceful processes, at the expense of other races. In the United States the children and grandchildren of Germans, Italians, Frenchmen, Spaniards, Swedes are not a foreign element in the population, in the third generation, indeed, they have not the slightest connection or association with the foreign element. If they speak the language of their grandfathers at all, they speak it with an English accent. Their sympathies, prejudices, and principles go with the language to which they are born. They become citizens, and valuable citizens of the English-speaking world, they regard the countrymen of their own forefathers as foreigners, they talk of themselves as ‘Anglo-Saxons,’ and they study the history of England as the land of their ancestors. This last is an almost ludicrous fact, on paper, but it is the literal truth. This curious power which our race happens to have of swelling its own numbers by depleting other races is at work also, to a certain extent, in all the huge provinces of the British Empire, as well as in the United States. In all parts of the world the process is likely to continue with increasing activity for many years to come, as the prestige of the race advances and its resources develop.¹

It may be argued that the case of the United States, with its originally large English population, bears no analogy to that of India, where Europeans are, among its peoples, but like scattered snow-flakes on a vast mountain slope. True; yet in Ceylon, not altogether unlike India, what is described as having happened in the United States is occurring there also. The English colonists are but few, yet the burghers first, and the natives close behind them, even now consider England as their home. The large majority of Dutch burghers in the island count themselves as Britons, and when their means permit of a trip to Europe,—England, and not Holland, is looked upon as the chief country which they will visit. They think as English subjects and regard English institutions as their institutions. Queen Victoria

(1) Letters of “An American” in the *Pall Mall Gazette*.

is their Queen, and the English Parliament their Parliament. The same thing is generally true of the mixed population of Mauritius and the French descendants there, as it is also on a larger scale with the French Canadians.

The native inhabitants of Ceylon, and of India also, have no literature of the kind necessary for the life which the exact sciences have rendered alone possible for those people who are to continue, and not melt away before the advance of the Western Aryan. This literature is being, and will continue to be, obtained by India from England. It yet remains to be seen whether, having drunk at this fount, the people of India will not become, in all their tastes, wishes, desires, Englishmen. In Ceylon the process, which can have no other end but this, is going on. The educated Ceylonese, who is not a christian, thinks the thoughts of John Stuart Mill, and talks the language of those Englishmen who boast that they have never felt the 'need' of a Higher than themselves to rest upon. Comparatively rapid is this change taking place in Ceylon, and in bringing it about the burghers are not to be counted as a small or unimportant factor.

Further, the natives of Ceylon are brought into direct contact with Britons, through the increase of trade, and the wide extension of coffee, tea, and cinchona cultivation. Thus engaged (exclusive of military, but inclusive of women and children, not a large proportion,) there are between four and five thousand English, which is, to institute a comparison, as if in India there were nearly four hundred thousand unofficial English people, not wholly congregated in large cities, emporiums of trade, but scattered throughout every part of the continent, with, as allies, over a million Eurasians, generally of good character and with some degree of education. These remarks, however, merely play with the fringes of a great subject, and are suggested by the perusal of an article on a subject kindred to the one considered

in this chapter, viz.: 'The Eurasian Future;'¹ They are, nevertheless, remarks which are warranted by the tendency of events as exhibited in the history of the burghers of Ceylon.

One word more: the facts gathered together in this chapter exhibit a great anomaly, for they show that what in one land has been a source of weakness, is, within range of almost precisely the same influences, a 'tower of strength.' There is no reason whatever why the Eurasians of India, instead of being degraded in the eyes of the natives, should not be to the Indians of all races, 'elder brethren,' guiding, helping, and uplifting. In Ceylon this has come about in the ordinary course of things. In India there has been neglect which must be atoned for, a certain degree of humiliation undergone, and not a little effort put forth before the higher plane shall be reached, whereafter may be left to the ordinary current of life to keep good that which has been made good. To accomplish this, India requires not a few men amongst her highest officials, and many more amongst the lower-placed men in office, and in the unofficial community generally, whose bowels, in the first instance, shall not be made of red-tape and move in sympathy only by routine; or in the other, who love the people of India more than a seat at the Board of Revenue and a large pension; or in the last-mentioned case, those who prefer to aid their fellow-men more than to strive for the mere acquisition of wealth and early retirement to England. And, alas! India does not seem to have enough of them to solve the problem. Consequently, and again alas! the problem is being left to find a solution for itself, which it is doing in misery, pain, and sorrow.

What the burgher community needs above all things is

(1) The Eurasian Future. By Surgeon Major W. J. Mure, L.R.C.P., *Indram Annals of Medical Science*, No. XXXII, for January 1874. Calcutta Thacker, Spink & Co.

a bond of cohesion. Firmly united, with their sympathies extending to the classes on either side of them and accustoming themselves to organized action for the common good, their influence might be vast, and their position politically very great. Living only in the present, they seem divorced from the history of even their own past, which, were it better known to them, must surely prove an incentive to nobler national life and purer and higher-toned individual experience. Nations are not born in a day, nor are communities changed in a decade. The process of lifting the whole Singhalese and Tamil race, undertaken with never so much sincerity and earnestness, will be a long task. In this work and ever afterwards in the Ceylonese nation which would be formed, the burghers are capable of doing great things, but only as they rise to nobleness of life and high and sincere notions of duty, combined with a love for honesty in the heart and hard work with brain and hand. The career of him whose life-story is told in the succeeding pages of this work is emphatic in its teaching on every point in which the burgher character needs stimulant and help. It is told with love and affection, and with all honesty ; the rocks on which he struck and suffered loss are indicated that they may be avoided ; the mistakes he made recorded that they may not be repeated ; his grappling with and overcoming of difficulties described that they may be imitated ; his success detailed that similar reward may be striven after ; his abiding faith and trust in the Almighty, who was his refuge in all times of doubt and trouble, dwelt upon with some detail, that upon the Rock where Sir Richard Morgan stood firm and unshaken, may be found standing-ground for many similarly tried as he was ; and his whole career be useful

“ To lure to nobler deeds and lead the way.”

CHAPTER II.

1821—1838.

FROM INFANCY TO YOUNG MANHOOD.

ABOUT the middle of the eighteenth century a Welshman named Morgan, of an adventurous turn of mind, tired of the dullness and seclusion of the Cambrian principality, and attracted possibly by reports of the famed pagoda tree of the East, sailed for Hindustan. Whether, like most Englishmen of that and succeeding generations to the present, he went Eastward with the intention of returning to his native land is not known, but one thing is certain, he never did return. He accepted office under the Madras Government, married in India, and was eventually laid to rest in its soil. His children, meanwhile, had grown up around him, and were filling posts of usefulness in Southern India, some being in office in Travancore. One of them, Richard Morgan, owing to the presence of the Dutch at Tuticorin and other ports in the south, had acquired a knowledge of the Dutch language as well as a familiar acquaintance with the English tongue.

Consequently, when, in 1796, the British had conquered the Dutch in Ceylon and had taken possession of the island, and settled Government existed and departments were organised, the Indian presidencies had to be indented on for officials to carry on the duties called into existence by the changed rule. Richard Morgan found his opportunity, passed over the narrow Straits of Manaar, and took office under the honorable Frederick

North, the first English governor of the island. A large number of Dutch burghers, bound by ties of kindred or owning property, had remained in Ceylon after the capitulation. They knew but one European language, and that was Dutch. Obviously a man who could speak both tongues was an acquisition to the colony, and Richard Morgan at once stepped into the responsible post of Dutch translator to the Government. He subsequently arranged and classified the state records, and prepared the translation of Van Leeuwen's Roman Dutch law into English. He was not content with merely professional duties, but busied himself in other matters. He possessed a warm generous heart.

Tidings reached Ceylon of the noble work for the freedom of slaves in which Wilberforce, Zachary Macaulay and Clarkson engaged, and Sir Alexander Johnston was quick to urge the Ceylonese to raise a response. Slavery of persons to work in the field was unknown in Ceylon: human bondage existed in the form of serfdom to the soil in respect to budhist temple lands, but this fact was scarcely understood by the new rulers in the early years of the century. It also existed in another form, viz., as domestic bondage, the Dutch and Portuguese settlers possessing a number of Africans and low-caste Tamils as slaves. Mr. Richard Morgan desired that these slaves should be set free: others thought with him, and a movement was begun for the attainment of this object. He was chiefly instrumental, in 1816, in getting up and securing signatures to a petition to the Prince Regent begging him, the 'first gentleman in Europe,' to sanction the act of manumission, a request which, it may be supposed, was readily granted. 'R. Morgan' stands seventh among the signatures to the petition, whose chief prayer was to 'respectfully and dutifully propose, that the era of future freedom to the slaves of this colony shall take its commencement on the auspicious occasion of your Highness'

birthday, the 12th of August in the present year 1816. And we declare all children born of our slaves from that date inclusive to be free persons.'

English education in Ceylon was at a very low ebb in the first twenty years of the century, and, at the particular request of Government, Mr. Morgan was induced to accept the post of master of the Colombo seminary established towards the end of the eighteenth century by the Dutch, which was the only superior school at that time in the colony. Subsequently Mr. Morgan became a proctor of the supreme court (in which then, and for many succeeding years, the Governor sat as a judge in appeal) and afterwards served as port magistrate.

In 1804 Mr. Richard Morgan married Behrana Lucretia Lourens, the daughter of a man celebrated in olden times in Ceylon, Dr. Jan Lourens, who had the reputation of being a humane and benevolent man. He attended the poor gratis and gave them medicine free. When cholera raged he converted his house into a hospital, and, as a consequence of his unremitting care and attention, himself fell a victim to the disease which he was striving to cure in others. The house thus turned into a refuge for the sick was known as the whist bungalow, and, with brief intervals, has since been occupied by the Morgan family. It obtained its peculiar name from being the spot chosen by a whist club of English officers who, in the earliest years of the century, to while away the tedium of garrison duty, met at this bungalow on certain days in the week to feast and play. The wife of Dr. Lourens, who warmly seconded her husband in all his deeds of benevolence and charity, is described by one who knew her as being 'the beau-ideal of a kind and benevolent lady, of a beautiful countenance, and with soft pleasing manners.' One member of this family had an ambition to become a Ceylon Franklin; he dabbled in electric science and made galvanic batteries in days

when such instruments were looked upon with great suspicion: he tried many experiments on himself and others.

It has ever been a peculiarity of Dutch burghers in Ceylon to have large families, and in the space of seventeen years Mr. Morgan had eleven children born to him—five sons and six daughters, three of whom died in infantile years. Cecil Arnold, the eldest, became a man of much influence and subsequently a leader of his people. The second son William possessed great histrionic powers, and was a proctor of the supreme court. The third died in middle life of softening of the brain; he had become a surgeon on the Ceylon establishment, and, like Lord Denman, chief justice of England, could not, owing to his affliction, for years prior to his death articulate words.

Richard Francis Morgan was the latest born of the family, the 21st of February 1821 being his birthday. Exactly a month after his birth his father died. Mr. Richard Morgan was a man who had lived up to his income and the family was left without provision. In recognition, however, of his good services to the Government, a pension of thirty-six dollars (= *Anglice* £4) per month was conferred upon the widow. On this sum, with her eldest son nearing man's estate, Mrs. Morgan trained and educated her children in a manner that taught them great self-reliance, which proved of great service to them in after years when engaged in carving out careers for themselves. Particularly was Mrs. Morgan's prudent care in bringing up her daughters to strict economy imitated. One of them, subsequently, succeeded in keeping three sons at the first scholastic institution in the island, while maintaining the whole domestic establishment, free of debt, on £250 per annum. The boys' schooling fees alone amounted to £72 a year.

At the time, however, when Mrs. Morgan was left with her large family on a small pension, the cost of living in the colony was comparatively cheap; country-made

material was generally worn for clothing, food supplies were not imported, the taste for European liquors had not been imbibed. Portuguese vessels continued to trade between Macao, China and Ceylon, bringing to the island cheap articles of head-gear, &c. Altogether the household was conducted with strict economy and care, and in after years, when luxuries were at his command, Sir Richard Morgan used to look back with regret from his sybarite surroundings to the plain fare of the daily life of his boyhood, occasional rejoicings being made noteworthy by a glass of wine.

During that period, too, the life of this semi-European community in Ceylon was particularly social and neighbourly. Within a somewhat long square to the north of the fort of Colombo covering perhaps ten acres of ground, a European town existed in which the Dutch and Portuguese burghers lived. Eight streets pierced the cluster of houses which covered this space, and one of them, still the most retired in that part of Colombo, was Maliban Street, the Mall in which Dutch and Portuguese ladies took their evening walks, and which communicated with the lake.

To the Colombo resident, or visitor, passing through the pettah at the present time, his way blocked by innumerable carriages and bullock carts, his throat choked with the rising dust, his ears deafened with the cries of native drivers, his eye offended by the cobweb-hung rice stores of the chetties, his nose 'tip-tilted like the petal of a flower,' because of the offensive smells which peculiarly attend the bazaars and busy haunts of oriental cities, it is hard to realise that Main street, which combines in itself all these disagreeables, was ever a pleasant genteel place of residence. Yet such it was in the early days of British rule, and it does not require a great store of imagination to picture the houses with their wide verandahs or to people them with their Dutch inhabitants.

Just before sun-down, when the breezes from the south-west were blowing off the sea and the peculiar beauty of tropical evening time was descending over all, giving pain almost from its exquisite loveliness, it is not difficult to realise that even in Main street, and Keyzer street, and Prince street, there might be very desirable residences. Particularly in the last named street,—which was adorned by the huge high square building now used as a seamen's hospital, but then as the seminary, the focus of the learning of the west, by virtue of which the inhabitants of that oriental island had to take upon their necks the yoke of the foreigner,—was life not only endurable but pleasant. Just beyond the locality described, around the Wolfendah church, dwelt a few burghers, but the vast majority lived in the pettah.

What added much to the beauty and comfort of the Dutch-built streets in which the Asiatic Hollanders lived were the avenues of trees which lined them on either side. It was one of the most praiseworthy acts of the Dutch that they issued a proclamation 'which compelled householders to plant trees in front of their houses and visited with severe penalty the neglect of either watering or protecting them.' These trees, in 1837, the British Government had cut down or up-rooted, and therewith began the great verandah quarrel which twelve years later stirred the island community to its depths.

Richard Morgan was more than usually precocious, his memory being particularly retentive. His chief delight, when he was only four or six years old, was to attend the Baptist chapel, listen to Mr. Daniel's preaching, and then, on going home, to repeat with more or less correctness what he had heard. The early impressions made upon him by his mixing with the Baptists clung to him all through life, though he never joined the Baptist communion. An old worm-eaten letter difficult of decipherment, written by William Morgan to an uncle in Kandy,

dated 27th December 1825, contains the following passage :—

‘Dickey is getting more and more wicked (= mischievous) day by day. He requires to be rein’d in ; otherwise he would become quite unruly Two or three days ago he went up to Jacoby, and addressed him in a long Dutch phrase We were all struck with this, and asked the people in the house whether any of them had taught him this. They all declare that they did not Could you have believed this ? His conversation now is so cunning that if strangers were to hear it they would not believe it possible in a child of his age He still goes on with his preaching Nothing delights him more than to be taken to service’

The child was then in his fifth year.

Born in Prince Street, it was in this locality Richard Francis Morgan spent his early days ; here he roamed about the streets, finding his boyish curiosity greatly roused, and his understanding unsatisfied, for a long time, in respect to the big bell which hung in the belfry, and which was rung at stated intervals. Soon the omnivorous reading, which all his life through characterised Richard Morgan, made him acquainted with the English curfew bell, and he weaved boyish romances about the Kayman’s gate ‘wide-throated warner of the people.’ He has left on record a reference to some of the Dutchmen of that period who impressed themselves most fully upon his imagination. ‘Old Mr. de Run,’ he says, ‘who lived next door to us, was a fine old gentleman of what was even then looked upon as the ancient Dutch school. He sported Nankeen breeches and white stockings, and correct white flyer. He used to sit every evening in the outer verandah taking his coffee and jaggery (= native sugared sweetmeat). We boys were much amused by his jokes, and were excessively tickled by his promise made night after night that we should share his jaggery when the fruit was sufficiently ripe. He was chief clerk in one of the Government offices, and was the first to keep his accounts according to the double entry of the Italians. When, on one occasion, Sir John D’Oyley, a high officer of Government, told him he was

wrong in the system he was carrying out, he retorted, for it was a sore point with the old man, "Sir, there are modes of accounts which were not meant for men like you to understand."

There is a strong resemblance in the life-story contained in the narration of the history of a Ceylonese to what would have to be related of a lad in a similar position in an English town. It was to a Dame's school Richard Francis Morgan was first sent, a school kept by a Mrs. Taylor, presumably wife or widow of a non-commissioned officer in one of the many regiments which then garrisoned Ceylon. He was so young when first sent to the Dame's care that he and a little girl, the daughter of a medical man living near, used to be drawn in a child's carriage by a cooly to and from school. The schoolmistress's knowledge was soon mastered by the lad and left far behind, and 'George Staples' Academy' next received Richard; here he was called 'very clever' by 'old Mr. Palm,' the minister of the Dutch Church, who frequently paid a visit to the academy to arouse the wonder of the lads by his display of learning, and to ascertain how much or how little they knew. Young Richard Morgan received the encomium of 'very clever' because he succeeded in spelling correctly the word "Nebuchadnezzar." Soon afterwards, too, at a Christmas Eve 'Spelling Bee' (for such it was though the distinctive name is only of recent adoption) he received a silver medal, in the presence of many friends, for correctly spelling the word 'able.' There were other clever infants (for they were not much more) competing, but they blundered over 'Abel,' 'Abal,' &c. Fifty years afterwards, when talking over youthful days, Mr. Morgan said 'I have lost that medal, and fool the want of it greatly—I'd gladly give in exchange a jewel set with brilliants and pearls for the cheap old medal.' He tasted early the sweets of success and

reward, of which, ere his life was done, he was to be the frequent grateful recipient.

Two other children's schools were attended by the lad, at one of which he was taught map drawing ; in this he acquired some facility, but it must have been merely mechanical, for never in after life did he exhibit any particular quickness with the pencil of the artist. The next change was to the christian institution at Kotte, a beautiful suburb a few miles inland from Colombo. Kotte is the educational head-quarters of the Church of England Mission to the Singhalese, and in the absence of superior scholastic institutions did remarkably good service from an educational point of view. Richard became a resident boarder at Kotte and the christian influences he was under, added to the sound home training he had received, doubtless had much to do with establishing the deep-seated religiousness that became a part of his nature, which, all through his life, was of strong individual power but had nothing of aggressiveness about it. He entered the Kotte institution in his thirteenth year, and at once commenced a study of the classical languages for which he betrayed a great fondness. Of mathematics he learnt only so much as was sufficient to develop his reasoning powers. The chief teacher at the Kotte institution was the Rev. J. Marsh, who shortly after left for Colombo to act as chaplain at Trinity Church. Richard Morgan and one or two others went with Mr. Marsh as private pupils. Over the mind of one of these lads, though not over Morgan's, the Rambler exercised a marvellous influence, and the lad could spout lengthy passages of Johnson's most ponderous sentences, a characteristic which, fifty years later, was apparent in his writings and conversation.

Almost immediately after Mr. Marsh had settled with his boarder-pupils in Colombo, Sir Robert Wilmot Horton,

Governor of Ceylon, partly on the recommendation of the Commissioners of Enquiry, Lieut.-Colonel Colebrooke and Mr. C. H. Cameron, founded a high school to which the name of Colombo Academy was given, the Rev. J. Marsh being made Principal, on a salary of £200 per annum ; to this he took his private pupils. Naturally of a studious disposition, Richard Morgan, without much show of application, was able to keep himself well abreast with school studies, and had the advantage of finding his powers called forth by rivals of equal or greater ability, such as James Stewart and Simon D. J. Ondaatjie, the former brilliant and able, the latter careful, plodding, and solid in his acquirements.

All through his life, Richard Morgan encountered men who were his equals in many respects, a circumstance which led him to more strenuously put forth his powers than it is likely otherwise would have been the case. Favoured with a most retentive memory, which made the learning of tasks by rote quite easy, he was thereby enabled to indulge in a wide range of reading which gave considerable force and power to the particular career he adopted.

Richard Morgan became very familiar with classical authors and used to translate Anacreon with perfect facility. He commenced a romance, but after composing a few chapters he turned his attention into another channel, and his unfinished story became one of the 'unaccomplished purposes' of his life. Considering the vivid imagination which he possessed, of which later pages of this biography will give proof, the story could not fail to have possessed considerable merit had it been finished.

If there was one faculty in which Richard Morgan was lacking, it was that of order and arrangement, a defect of character which troubled him long years after when he set himself to systematize the work of the Queen's Advo-

cate's office. Each boy at the academy had a desk, in which his books of study and other things were supposed to be kept in a neat and orderly manner. Richard Morgan's desk was in as disorderly a state as could well be imagined, so much so that he himself would speak of it as the 'Augean stable which required more labour in clearing out than he was disposed to give.' One day the Principal caught a glimpse of the confusion reigning therein, but said nothing at the time. A day or two after he gave a short homily to the assembled lads on the virtues and advantages of order and system, and concluded by stating that in half-an-hour's time he should make a tour of inspection among the pupils' desks. Morgan was appalled at the idea. He knew that not less than three hours would suffice to bring into order the chaos which had often struck even himself as being discreditable. His ready resource saved him, and turned the laugh against the Principal. Morgan espied a large white cloth near at hand; he seized this, placed it carefully in the interior of the desk, wrote in large letters on a sheet of foolscap a couple of lines, and hurriedly made his escape. The remainder of the story is best told in the words of one of the teachers of the academy who was an eye-witness of what followed, and who related the incident to the present writer. 'Mr. Marsh,' he says, 'came into the school-room at the time he stated and went to Simon Ondaatjie's desk. Everything was in perfect order, and an approving word was spoken to its owner. Richard Morgan's desk came next, but Richard Morgan did not stand beside it. Mr. Marsh lifted the lid, and, to the surprise of all who were present, a smile came over his countenance, the smile broke into a laugh, the lid was dropped, and the Principal hurried off to tell his wife of the joke played upon him by his favourite pupil. We at once crowded round the desk, and found that Morgan had adopted two lines from "*Bombastes Furioso*," and

that Mr. Marsh had found these words to greet his astonished vision :

"Whoever dares this cloth displace
Must meet R. Morgan face to face."'

In out-door sports Morgan took very little part ; the printed page had ever more charms for him than the cricket field, or active games of any kind. In composition, too, he took great delight, and the themes he penned at this time still in existence,—old, stained, and worm-eaten, with the ink-marks fast fading away—attest his literary activity. A year after the establishment of the academy, a very creditably conducted magazine called the *Colombo Academy Miscellany* was started, of which the Principal was editor. One of Morgan's contributions, signed 'M.,' when he was sixteen years of age, was as follows :—

It has been well observed that a school is but an epitome of the busy world. A careful observer cannot but be struck with the truth of the remark.

We see persons of every description meet here. English, French, Dutch, Singalese, Malabar, Portuguese, all unite together in this world, and pursue tranquilly their different avocations. No feelings of envy or jealousy prevail among them. Actuated by a genuine spirit of emulation do they strive individually and collectively to advance in their different tasks. What a truly pleasing sight is this !

The great world has its different tasks allotted to different men, it has its rewards for the good and deserving, and suitable punishments for the contrary kind of men. We have our rewards here. By attention to our duties we shall please our king and governors, and we shall advance high in our state.

The great world has its public presses and books and periodical literature to please and amuse men of different tastes and descriptions. We have our little press, enlightening our little state ; we have our periodical publication also where we may freely enter our juvenile opinions and send forth to the world our little Gazette.

Men have their judicial investigations on crimes and offences. We have likewise ours ;—witness the very interesting trial that fills the columns of your last two numbers.

Men meet weekly in their consecrated buildings to render in unison to their Heavenly Father praise and thanks and to implore every blessing. Daily, yea, morning and evening, do we all meet in one common room to present our praises and supplications to the most High ; and the united voices of so many scores, let us hope, do reach the heavenly throne.

Men have their places of resort to obtain mental refreshment. In our little library, filled with books of the most useful and interesting nature, have we ours.

Pleasing indeed are the reflections which the consideration of such a subject brings into one's mind.

The chief value, however of the *Miscellany* for 1837 in respect to the subject of this biography is the 'judicial investigation' to which he alludes in the foregoing extract. One of the students of the high school 'G. de S' (still living) was charged with having sold a book which did not belong to him. He was put upon his trial, one of the undermasters acting as judge, and twelve of the academicians being jurors. James Stewart, Morgan's rival in school, at the bar, and in the senate for a brief space, prosecuted, whilst R. F. Morgan was counsel for the defence. Several witnesses were called, including the Principal of the Academy, all being cross-examined with much skill, and the prosecution closed.

The speech of Morgan for the defence, as contained in the *Miscellany*, must have occupied the greater part of an hour in delivery, and when it is remembered that it was the production of a boy of sixteen, the performance is much more than creditable, it is brilliant. The address commenced with the treatment of theft in the abstract, its evil influence in a public school, and the preface concluded with an appeal to the jury 'not to allow the eloquence and talents employed by learned friends on the other side to mislead you, nor, I pray, hang the millstone of prejudice around your necks. May the Almighty inspire you with fortitude and wisdom to discharge your duty with calm, steady and reflecting minds.' The evidence is then literally torn to tatters, while the prosecutor is treated with scornful irony and shown to be utterly unworthy of credence. From this the transition to the circumstances and demeanour of the alleged offender is easy. 'He,' said the youthful pleader with evident desire to make good use of the figures of speech he had

apparently obtained from some English sources, 'he is the son of a very respectable man. He has a father who, like most Singhalese Mudaliyars, is so rich that I should say he owns almost half the stocks. He could pay the national debt (of England) as easily as you could your washerwoman, he feeds his dog with gold, his parrot with pearls, and has all his waste-paper made of bank notes. Aye, this father, a very kind and indulgent father indeed, ministers to his wants and comforts, and is he the individual who would steal a book not worth a few paltry rix-dollars? Really the very idea is enough to convince any candid mind of the falsity of these charges.' A further dissection of the evidence followed, and the peroration was as follows:—

'Gentlemen, ere I conclude, allow me to remind you that on your verdict depends, in a great measure, the success of this excellent institution. For, gentlemen, if upon such shallow evidence, such mere illusory averment, you convict my client, what boy, who has the least feeling of honesty, who has the least sense for a good character, as every one of you will doubtless have, will hesitate to leave it, and be far from danger? The interest of all is at stake, for if G de S. be convicted, reasonably may I, and every member of this rising republic, entertain fears lest to-morrow we may be charged with the same crime, lest to-morrow we may be brought up here and punished. But, gentlemen, I have too good an opinion of you to think you would act in such a manner. I know too well the sacredness with which you hold character, and the disgust you feel at persons who, prompted by any but pure motives, endeavour to bring complaints against others, ruin their characters, blast their future prospects. I know too well the great and sincere interest you feel in the welfare of the institution to which you and I have the honor to belong. And now, gentlemen, I have done, but not without thanking you and the court for the kind attention I have received. Notwithstanding my great incapacity and inexperience, I have endeavoured to state the facts plainly and accurately. I shall make no address to your passions, I shall not speak to you of his great youth, of his respectable birth, of his uniformly honest and praiseworthy conduct. Such topics might be useful in a doubtful case, but here, when not all the powers of sophisticated logic can cast a doubt on what is said, I shall rest contented with what I have said. I resign my client into your hands, and I resign him with a well-founded confidence and hope on your integrity. Your respectability, your impartiality, sufficiently convince me that your verdict will be consistent with the unerring dictates of truth and justice.'

The speech was well delivered, and one who heard it assures the writer that the oratorical effect of it was very

great. 'G. de S.' was found not guilty and acquitted. The parents of the lad were so delighted with the youthful advocate's efforts that they presented him with a valuable ring set with sapphires.

This year (1837) was destined to be one of considerable interest in Richard Morgan's life. On prize day, Sir Robert Wilmot Horton attended to give *éclat* to the institution he had founded. Almost at the last moment it was decided that one of the students should welcome His Excellency with a speech. Morgan was selected, and the ready resources and sharp intellect of the studious lad stood him in good service. The *Colombo Observer*, of July 1st 1837, says, that Mr. Morgan delivered a long and able *extempore* speech, in which the Governor was thanked for having provided an institution like the academy, where those whose means were limited, but whose thirst for knowledge was great, could obtain an excellent education. The Governor, in reply, alluded to the 'forcible and apposite remarks,' which had been made by Mr. Morgan, and, after a few general remarks, concluded by repeating 'his satisfaction at the feelings exhibited in Mr. Morgan's address, and the admirable manner in which those feelings were expressed.' The examination then took place, the Governor and the chief justice (Mr. Serjeant Rough¹) conducting it. R. Morgan (according to the *Miscellany*) attained distinction by his familiarity with Virgil's *Æneid*, whilst in geometry he alone in the academy was found able to solve the thirty-second proposition of Euclid which had been chosen as a test by the chief justice.

At the close of the examination, the Governor complimented the Principal on the thoroughness of his system of teaching, and 'doubted not that, should the country call upon any of the boys for the fulfil-

(1) Serjeant Rough was a friend of Walter Savage Landor, the poet, and in the recently published life of Landor is alluded to as the author of some pleasing verses.

ment of public duties, they would be found competent to execute them. Mr. Morgan himself had demonstratively shown his own competence,' a prophecy that ought to have greatly cheered Morgan in succeeding years, 'when clouds were dark and friends were few.' Strangely enough he never seems to have recurred to these words in after times. They can scarcely have passed from his recollection.

Among the essays penned at this period, interesting in themselves as are those which have been preserved, there are none which would justify quotation in full. A reference, however, may worthily be made to one or two. For instance, in a treatise on Ceylon, after alluding to what the ancients said of the island, and what it was at the present time, he said: 'There are two active presses in Ceylon, the Government press and the Free press. The last is employed in discussing all the acts of Government. The people have, by these newspapers, been roused from their former lethargic state. Any man, native or burgher, who is fit, is now eligible for any office held by Europeans. The people in general are at present active, and not one bad act of Government passes unnoticed or uncondemned.' This and many other things in Ceylon, he considered, combined to prove the falsity of Ovid's remark that 'it is a place out of fame's reach.'

In the region of biography he attempted a Life of Christ, but did not get beyond a few pages. Whilst writing on moral and kindred subjects generally, he was more frequently occupied with scriptural topics than with any others, such as 'The influence of Religion on Adversity; thoughts for reflection,' founded on Psalm xxxvii, 5. The skilful and dialectic treatment of this subject shows a mind trained to reason and familiar with logic. But the most ambitious of these early efforts is a 'History of Ruth,' which covers fifty-two pages of note paper, closely written. The story is well

re-told through some of the reflections of the lad of fifteen (this was written in 1836) are somewhat astonishing, the following passage particularly, 'Ruth continued inflexible in her determination to go with her mother-in-law. She had made up her mind to go, and determined to abide by it. The magnanimity of mind and constancy of purpose which Ruth here displayed must raise our wonder and excite our admiration. Consider her peculiar circumstances. She was but a woman, one of a sex in whom the virtue of constancy is not very common.' The last sentence is enclosed with brackets in lead-pencil, and a line is drawn through it, evidently by the Principal, to whom the essay was submitted. And no wonder, considering the precocity and ungallantness of the remark, combined with its falsity, so far as the gentler sex of his own community is concerned. In another place he is struck with the calm dignity the widows displayed in their affliction, and the control they had over their grief, so different, he remarks, to the immoderate indulgence in sorrow which particularly characterises females in the East, burghers not excepted. The leading traits displayed in the story were

1. The virtuous constancy of Ruth.
2. The hand of Providence as displayed in the history of Ruth.

Each of these conclusions is elaborated at considerable length.

The year 1837 was crowded with memories for young Morgan, but none of the events alluded to above so frequently recurred to his mind, or was more feelingly spoken of, than the great sorrow which came over him in the death of a female friend, to whom he had given his heart and who returned his affection. She died rather suddenly, and on the day of her burial Morgan disappeared from the view of his family. Two days afterwards he returned in a borrowed suit of black clothes, his ordinary thin

features looking thinner than usual and very haggard. It afterwards transpired, in secret and sacred talk with attached friends, that the whole of one night at least he had spent on the newly-made and lately-tenanted grave. A visit to Kandy served to restore equilibrium to the youthful mind ; indeed the intensity of the grief seems to have exhausted the fountain, for it was not long before his heart became irrevocably fixed upon one who was afterwards to be his wife. A man, it is said, never forgets his first love, and certainly Richard Morgan never forgot the young lady who died in 1837, and who had captivated his youthful affection.

It was very characteristic of the young man of quick sensibilities to write as he did in the *Academy Miscellany* of February 1837, sitting in judgment upon himself for not assisting the school magazine and engaging in future to do better. He kept his promise, and some of the best of his youthful productions appeared in that year's volume of the *Academy Miscellany*. He annotated an extract from Vanderlinden on the study of law, and reviewed and illustrated with facts taken from local scholastic life 'a volume of the minutes of evidence taken before a select committee appointed by Parliament to enquire into the state of education in England and Wales in 1835.'

In 1838, when prize day came round again and the Governor (Mr. Stewart Mackenzie) visited the academy, young Morgan was ill, suffering severely from an affection in the ear, having been in the doctor's hands for six months, and the duty of welcoming vice-royalty by a student devolved upon James Stewart. In addition to this illness, Morgan narrowly escaped drowning in the Kelani Ganga, a few yards only from the house in which he lived ; on the steps of the building his mother stood seeing her youngest son in dire peril but unable to render him any help. He was rescued by his brothers. This

was Morgan's last year at the academy. The Principal left soon after for England on sick leave, but died on the voyage and now

"Lies where the pearls lie deep."

Early in 1839 Morgan's scholastic career was brought to an end. The occasion of his leaving is thus stated by himself, this statement having been penned twelve-months after, when he was on his way to England. 'In the beginning of this year,' he says, 'I left the Colombo academy. The immediate cause of my doing so was my misunderstanding with Mr. Brooke Bailey, the second master; the proximate cause was with a view of making myself practically useful, for I was eighteen years old, and many years had been spent in preparatory studies. My leaving school, then, I must not regret, for, putting out of question the length of time I had spent in studies, I was a burden to my friends when I ought to have been of assistance. In any case I could not have endured the unkind demeanour of the Principal, and the innovations which followed, habituated as I was to the system of poor Mr. Marsh, whose memory I shall never cease to cherish with gratitude.'

He became a law student under Sir William O'Carr, then Queen's Advocate. He was one of a number of young men who established a Debating Society, where the careful and industrious manner in which he invariably prepared to take part in the debates at this colonial 'Union' resulted in the cause he espoused generally being successful.

A pleasing sketch of the period represents a group of youths, of which Richard Morgan was one, in the cool pleasant eventide, which is perhaps more delightful in Colombo than can be imagined by those whose impressions of the tropics are formed on the basis of the poet's vision of 'high eternal noon,' lying in the cool green sward which crowned the high ramparts on the south

of Colombo fort. To their right were the blue waters of the Indian ocean, slightly ruffled by the evening breeze; at their feet for more than a mile stretched an open esplanade fringed with cocoanut topes; to their left was the beautiful Colombo lake, on its distant shores streets of houses scarcely visible through the foliage abundant everywhere: over all, a sky of exquisite beauty and an atmosphere suffused with the light of a setting sun, surpassing all that poets of a cold ungenial clime in highest moments of inspiration can imagine.

‘What are you thinking about, Morgan?’ said Tom Smith, ‘For nearly half an hour you’ve spoken no word, nor scarce moved a muscle.’

‘Everything seems too calm and peaceful even for thinking,’ replied Morgan. ‘But still I was thinking, and trying to look forward into the future, and was speculating upon what we are going to be, and what we are going to do. I suppose most of us will go into law, for that is the only profession open to us, but I mean to be something more than a lawyer. The new Legislative Council ought to lead to greater progress than is now seen, making Ceylon something like England. I wish Blake were here to put some of the thoughts divine evenings like this produce into the mellifluous verse he is such an adept in making.’

‘There, that will do, Morgan,’ retorted Smith. ‘You know that to-night the Discussion Society meets, and as we have a political subject on, you had better shako off those sombre meditations. Come along!’

The friends rose from their soft couch of emerald, and arm-in-arm passed out by the sally-port on the slave island side of the fort, and so, by a somewhat circuitous route, found their way to Maliban street, where lived the member of the debating class in whose house that night’s meeting was to be held.

To the ‘feast of reason and flow of soul,’ at these

meetings was added the enjoyment of tea and sweetmeats, over which was cracked many a joke, while the English tongue was strained for puns each more outrageous than the others. The game of 'capping verses' in which Lord Macaulay, according to his biographer, was an adept, was greatly loved in this circle of Colombo youths. Unfortunately no record is left of their efforts in this direction, but one scrap remains which is quoted not certainly for its worth, but for the interest it will excite in many families in Ceylon. It is as follows :—

T. Blake.—'How pleasant to sit with gay friends round a table.'

W. Morgan.—'We'll endeavour to sit as long as we are able.'

T. Smith.—'The biscuits are crisp and taste so sweet.'

H. Vos.—'Because'—

'Oh ! I can't fill it up !' cried poor de Vos.

'You must ! you must ;' was the general cry, and the result was, after much effort

"Because they form a very nice treat."

The force of rhyming could no farther go, and the party at once broke up in almost inextinguishable laughter.

Morgan found exercise for his pen, and a means of adding to the household-store—the burden of which bore very heavily upon his eldest brother Cecil,—by writing for the press. Two newspapers then existed in Colombo,—the *Observer* and the *Herald*, the former Radical in politics and always in opposition, the latter edited by 'a committee of gentlemen,' members of the civil service, and zealously pro-Government in their views. To the *Herald* leading articles were contributed by the young man of eighteen ; other communications were also sent. No trace of any of these can be found among his papers,

and at this distance of time it is very difficult to tell amongst the articles appearing in the *Herald* those which emanated from his pen. The files have been searched with but little result. That his contributions were not without ability is proved by the following incident.

‘There goes young Richard Morgan,’ said Dr. Elliott, editor and proprietor of the *Colombo Observer*, one day in 1839, as a rather slimly-built youthful-looking individual passed along Baillie street.

‘Yes; what of him?’ replied the gentleman to whom the remark was made.

‘Only this,’ retorted the editor, ‘that I understand he is the writer of this article in the *Herald* (pointing to one in a newspaper before him.) If he is, it certainly does him a great deal of credit. God bless the lad!’ continued the warm-hearted Irishman, glad to recognise merit in a burgher of Ceylon even though that merit served to exalt a rival journal, than which a more noble instance of appreciation from the journalist’s point of view can scarcely be imagined.

Richard Morgan, himself, however, does not seem to have looked upon this period of his life, and his writing for the *Herald*, with particular favour. There is reason to suppose he deliberately destroyed, so far as he could, all traces of his labours in that journal. An extract from the diary he commenced in November of the same year seems to indicate this. Had the passage to be immediately quoted been written, say, ten years later, when he became identified with the strong radical party which then existed in the island, the reason for it would not be hard to seek. Whatever the reason may be, the fact stands out clearly enough that subsequently he was not at all proud of his early journalistic efforts. He says:—‘But what I must regret to the latest hour of my existence is the manner in which I employed myself after I left school. I allude to my connection with the *Herald* newspaper. I believe

I may safely say that I was led to connect myself with that paper to prevent its being prostituted from the noble purpose to which it might be made to minister to the gratification of bad passions, which I perceived it was likely to do, and to endeavour to introduce a calm, moderate, and gentlemanly tone of discussion in it. Bating a little vanity in desiring to show myself off, I may say, that these were my motives. Yet it is nevertheless a step which I must ever regret. The temptation is so strong at times to indulge in personalities to display a momentary sally of wit at the expense of private feelings, to retaliate when insulted, that to conduct a newspaper requires a man of the most uncompromising principle, of the nicest sense of propriety and honour, and of the firmest determination. As regards myself, not to speak of evils in detail, such a bad impression is raised of a young man, who should be modest in his opinions and retired in his habits, embroiling himself in political controversies. That bad impression has been formed of me. I have made many enemies. I have injured the feelings of many, and in return I have also been publicly exposed and abused: all this has occurred at my first entrance to life, when I should have endeavoured to deserve the good opinion and conciliate the esteem of all. Hence it is a step which I never, never can cease to regret.'

There is an amount of worldly wisdom and prudence in all this that is surprising in such an immature youth. One explanation, however, of this utter abasement is due to his feelings having been touched at a tender point. Possessing warm affections, he had fallen in love with his old playmate, when he and she were of the tender age of six; he had had at least two other sweethearts, but affection for them had been transient: now, however, his thoughts were strongly fixed on Miss Joselina Sisouw, niece of Mr. Justice Hillebrand. Partly, perhaps, because

of his devotion to politics and newspaper writing, certainly from some cause or other, he was, at this time, treated very coolly by the young lady's friends; this, surely, had something to do with the hard measure he metes out to himself.

Another reason, given by a school fellow from his recollections of the period, is that an article respecting Mr. Stewart Mackenzie, which led to a judicial trial resulting in an acquittal, was from Morgan's pen. The case itself, and the discussions which took place subsequently, led to much recrimination in the small English-speaking society which then existed. But, whatever the reason, the sentiments expressed and the manner of expression proved the writer no ordinary man, young as he was when he sat in judgment on himself.

He had his first experience of official life in this year; he went as clerk to the deputy Queen's Advocate, Kurunegala, thence to Kandy, taking the place of Henry Prins who was on leave.

All four brothers—Cecil Arnold, William, Trutand and Richard—were possessed of good, more than average, abilities, but the youngest was the most able of them all. With an abnegation of jealousy in the family which is a strongly marked and highly honourable trait in the burgher character, it was decided that Richard should be sent to England to complete his education. Cecil was proctor for paupers (a post of good position then) and deputy master in equity. He undertook to be responsible for the cost of this visit. The arrangements included three years' study at Oxford University and the keeping of terms at Lincoln's Inn, in order that Richard might acquire the status of a barrister. A passage was taken in the ship *Alexander*, Captain MacLachlan, and, in company with Henry Roosmale Cocq, on the evening of November 1839, he saw the shores of Ceylon recede from his view. He has left on record many touching

reminiscences of the severe ordeal which this severing of home ties was to him; particularly strong evidence do they give of a mind tuned to deepest sensibilities and a heart overflowing with filial and brotherly affection.

SOCIAL AND POLITICAL SKETCH OF CEYLON.

1830—1840.

For a long series of years, prior to 1831, Ceylon, mainly a military post, had been ruled by soldier-Governors, and an unvarying course of deficits, from £15,879 as a minimum to £120,836 as a maximum was one result. This was particularly annoying to the colonial office of the period as, in accordance with the then 'colonial policy' of Great Britain, colonies were expected to be a source of profit to the mother-country, and Ceylon, it was anticipated, would contribute at least £100,000 per annum to the imperial coffers. The state of things from a financial point of view became so alarming, and the administration of the country was so far from being satisfactory, that a commission of enquiry was sent out. The commissioners were Lieut.-Colonel Colebrooke and Mr. C. H. Cameron, both of whom had had considerable Indian experience, and were therefore peculiarly well-fitted to report upon the transition state to which this oriental colony had arrived under British administration. At that period the whole island had been in the hands of the British for nearly twenty years, and the wise, far-seeing, and energetic rule of Sir Edward Barnes, a lieutenant of the Duke of Wellington, prolonged to seven years, had opened up the country by the formation of a metalled road through difficult hilly tracts, which at the time was one of the wonders of the world. Upon it ran the first mail-coach known in Asia. This mark of European civilization was not the only indication of the changed nature of things which had

occurred in the colony. Owing to the comparatively great number of burghers and East Indians resident in different parts of the country, and the fairly large mercantile community, the commissioners were induced to recommend the formation of a Legislative Council, in which high officials and representatives of the different races in the island should sit. This recommendation was adopted, as also was another relating to the reform of the administration of justice and the abolition of compulsory labour. These three matters were, indeed, the main and chief results of the enquiry of the commissioners, save and excepting the establishment of a high school, the Colombo academy.

While those changes were yet in embryo, Sir Robert Wilmot Horton was appointed Governor of Ceylon. He was a statesman who had made his mark in Great Britain, particularly on the question of pauperism and the emigration of the poor of the British Isles to English colonies in North America and the southern hemisphere. Of a somewhat energetic turn of mind, he greatly chafed at the slowness of life in a place where there was not even a newspaper. A page or two of the *Government Gazette* doled out weekly a few extracts from Indian journals, and some local items, but beyond that nothing in the journalistic line existed. The Governor, therefore, started the *Colombo Journal*; it was printed at the Government printing office with Government type. It was most ably conducted, and contained criticisms and articles which even at this far-off period are interesting and useful. That is saying much for such ephemeral literature as most newspaper contributions are. Particularly is this so with regard to a series of letters signed 'Timon,' 'Liber,' and 'Pro bono Publico' respectively, which were from Sir R. W. Horton's pen. It was frequently stated that the paper was only kept up by Government until private enterprise would undertake the

venture, and it is amusing to read how so late as 1832 complaints were piteously uttered that the use of Government materials precluded the conductors of the paper from criticising the report of the commissioners, then just received, in the manner they desired. The *Journal* was suspended in the following year under instructions from the Colonial office in England.

Sir Robert Wilham Horton's period of rule was noteworthy for large surpluses,—in one year £105,791,—owing to almost unparalleled successful pearl fisheries. It was also conspicuous for the establishment of the Legislative Council, which, even in the hands of a whilom liberal statesman, was for a time a mockery. A rapid review of its earlier meetings, seeing the importance it has since acquired in local history, may be useful. It was, according to the royal instructions, to consist of fifteen persons, 'of whom nine shall at all times be persons holding offices within the said island, and the remaining six shall at all times be persons not holding any such office.' Only officials, however, took part in the earlier proceedings. The first meeting was held in October 1st, 1833, when the commission was read, a few words were spoken by the Governor and an adjournment took place. All that was done during that session was to agree upon standing rules and orders, and to pass a solitary ordinance relating to the practice of district courts, which was disallowed by the home authorities.

When, in February 1834, Sir Robert Wilmot Horton met his council again, nearly the whole of his speech was taken up with a justification of his conduct in not having appointed unofficial members. The merchants were particularly aggrieved, held public meetings, and in strongly-worded memorials petitioned the Secretary of State, only to be subsequently informed that the Governor's policy was approved. They had ventured to

doubt the legality of ordinances passed by an incomplete Council, and were informed on this point as follows, by the (local) Colonial Secretary, writing officially :— ‘The memorial referring to the memorial addressed by the principal merchants to His Majesty does not refer to any instructions except those of March 1833, and as those instructions convey no sort of discretion as to delay (in filling up the Council) it would appear that an inference was intended to be drawn that His Excellency had acted without due authority; but whether this inference, which would go to question the legality of the Legislative Council, as at present constituted, were intended or not, it is sufficient for His Excellency to declare that he has acted in strict conformity with His Majesty’s instructions, and that the Legislative Council, as at present temporarily composed of the nine official members, is as efficient, as regards the exercise of its functions and the validity of its acts, as it will be when it shall consist of the full complement of fifteen members. In both cases it will derive its existence and its legality from one and the same source, viz., instructions received from His Majesty.’ In view of what occurred, thirty-two years later, when the whole of the unofficial members resigned in a body, this decision is of great importance. Subsequently, the unofficial members were nominated, when another hitch occurred; the three British merchants appointed objected to be placed—first, below all the officials; and secondly, below some of the native members: these latter were burgher, Singhalese, and Tamil respectively. The quarrel waxed fierce in the manner peculiar to personal questions, and recriminations were freely exchanged.

Sir Robert Horton was unfortunate in his correspondence. He wrote from Nuwera Eliya two letters—one to his Colonial Secretary, Mr. Anstruther, and the other to Mr. George Ackland, the junior partner of Ackland,

Boyd & Co., who took a chief part in the angry correspondence. The communication for the latter was a short and polite note, but in the one intended for Mr. Anstruther, the Governor spoke freely of the arrogant pretensions of the merchants, 'who the deuce were they,' &c., &c. By mistake, the letters were mis-addressed and Mr. Ackland received the letter intended for Sir Robert's trusty secretary. Mr. Ackland thought it right to show this letter to the merchants, and even, as was believed at the time, to take a copy of it. This did not tend to heal the breach, and the mercantile seats were not filled at all during Sir Robert Horton's time. Sir Robert W. Horton was otherwise unfortunate in his correspondence.¹

When the council was finally constituted, its unofficial members were Mr. Joseph Read, Mudaliyar Philips (Singhalese), Mr. Jeffery, Mr. Hillebrand (burgher), Mr. G. H. Boyd, and Mudaliyar Coomara Swamy (Tamil). Owing to the few natives who, at that time, possessed a familiar acquaintance with the English tongue, the native members, who had been in Government employ, received full pay pension whilst acting as legislators. Eight ordinances were passed in 1834, relating chiefly to police for Colombo, the arrack revenue, and minor matters. No particulars are to be found of the debates of this year, if any record ever existed beyond meagre minutes, which is doubtful, as in the opening address of the third session (14th December 1835), the Governor prominently remarked as though it were a peculiarity of that session:— 'In conclusion, I have only to observe that the doors of the Council room are thrown open to the public. A general report of the discussions that have taken place within these walls has been given to the public, and will continue to be given. The public, therefore, both here and in England, will possess the means of conclusively judging for themselves as to the manner in which our legisla-

(1) Short sketch of Ceylon History, by Mr. A. M. Ferguson.

tive duties are executed. A few years later the council employed a short-hand writer to report the debates, but soon tired of this enlightened act. Mr. James Swan was the council reporter : he afterwards became clerk of the council.

‘ Seven ordinances were introduced in 1835, the second referred to cattle-trespass, the fourth related to bankruptcy, and others to the relief of insolvent debtors, and similar matters.’

A story was related by Sir Richard Morgan in the columns of the *Ceylon Observer* early in 1872, about ordinance No. 2 of 1835. The chief justice, and not the Queen’s advocate, was the legal member of the Legislative Council at the time, and many of the ordinances of that day bear evidence of the master-hand of Sir Charles Marshall, then occupying the office, who was generally known in the island as ‘Equity Marshall’ in contradistinction to Henry Augustus Marshall then auditor-general, who was known as ‘Iniquity Marshall.’ When this ordinance was passing through the Council, Sir John Wilson, then Major-General, moved an amendment with the view to add Ruanwella, a small military station at the time, to the stations (Colombo, Galle, Matura, Trincomalie, Jaffna and Kandy,) in which, though unfenced, stray-cattle could be seized. He was seconded by old ‘Iniquity.’ Sir Robert Horton and Mr. Anstruther strongly opposed the change, on the ground that Ruanwella was too small a station to be included, and that if it were necessary to prevent cattle-straying on the grounds surrounding the wretched fort at that place it should be fenced ; that care should be taken not to restrict too closely the commons available for the cattle of an agricultural population. Sir John Wilson moved his amendment on a day when Sir Charles Marshall was absent (not that he chose the day for that purpose, but it was the appointed day for the second reading), and he commented upon a

judgment of the supreme court which placed the military authorities, as Sir John fancied, in a dilemma. That decision held, he said, that Ruanwella under the old ordinance (No. 9 of 1833) was not a protected place, and that if it were deemed right to make it so, an application should be made to the legislature: the legislature refused protection. He complained also that a former decision had held that common law rights were not taken away from owners of property by this ordinance and that, when they sought to exercise their common law rights, they were told to seek for legislative protection. Sir John was wrong in the view he had formed of the ordinances, and both the Governor and Colonial Secretary sought to set him right; but, carried away as he was with the notion that every class and locality in the island received consideration save the military and fortified places, and supported by old 'Iniquity,' who seemed to delight in being mischievous, he persevered in what he doubtless regarded as a grand exposé of the supreme court. At the next meeting of council Sir Charles attended, but Sir John was absent. The former demolished his adversary's arguments thoroughly, and demonstratively established the infallibility of legal tribunals. In doing so, however, he used unparliamentary language; he said that Sir John's speech had misrepresented facts, that false statements were contained in the speech, and he ridiculed the amendment as senseless and absurd. This speech was delivered on the 29th December. On the 7th January a letter appeared in the *Colombo Observer* from Captain Macready of the 30th Regiment (Sir John Wilson's Military Secretary and friend: probably the same officer who wrote the account of the battle of Waterloo attached to the description of that action in Croasy's 'Decisive Battles of the World') stating for general information that Sir John Wilson 'had received

full satisfaction from Sir Charles Marshall for the expressions, personally offensive, delivered in the Legislative Council on the 29th ultimo, and published in your number 48 of the 5th instant.' The full satisfaction was rendered in the Cinnamon Gardens on the 6th, somewhere half-way between Sir John's residence at Kalutara and Sir Charles' residence at Mount Lavinia. It was said that the judge received his adversary's fire, himself firing in the air, and that, after doing so, he apologised for the words used by him. This unfortunate affair cost Sir Charles Marshall dearly. He left Ceylon shortly after, and it is said that he was bowed out of the colonial office when he went to apply for his pension, so that the best and most hardworking judge Ceylon ever had, whose name is a household word in the profession whose advancement he ever strove to promote, is the only judge who retired from the Ceylon service without receiving a pension.

The session of 1836 was noteworthy for two circumstances, first, the amendment of the customs' ordinance regarding duties on articles exported, and the manifestation of public opinion in regard to the small-pox ordinance. One provision of the last-named law was that immediately on the outbreak of chicken-pox or small-pox the patient should be removed from his or her friends, and taken to the small-pox hospitals. The burghers were particularly active in opposing this ordinance, and drew up a petition to which, in a few days, 14,000 signatures were appended. The deputation which waited upon the Governor with the memorial consisted of six gentlemen, five of whom were burghers, Mr. J. G. Giffening, Mr. C. A. Morgan, Mr. B. Misso, Mr. W. A. Kriekenbeck, and Rev. Mr. Palm, the Englishman being Dr. C. Elliott, editor of the radical opposition newspaper, the *Colombo Observer*. The liberty of the subject was held to be interfered with, and it was shown

under the circumstances complained of the disease was likely to spread and recovery was rendered hopeless. The excitement generally was very great, the Moors sending in a special petition; but memorials were of no avail, the ordinance was carried, and the law was systematically evaded, as was proved before a commission which sat in 1851.

The subject of registration of slaves in the Kandyan provinces, with a view to their emancipation at a certain date, was the chief object of Sir Robert Wilmot Horton's legislative action in the last year of his rule (1837). During the five years the council had been in existence thirty ordinances were passed, and the country had outgrown the stage of being regulated by proclamations, and was now in the *regime* of well-discussed laws.

The social aspect of the period is not unfairly sketched by a resident, in a letter to the *Calcutta Englishman*, dated February 1837. The writer says —

'I have had every reason to be much pleased with the society of Colombo, which though more approaching to the English in style than that of Calcutta, yet possesses much of the hospitality of the latter. Sir Robert Horton is a fine portly-looking man of, I should say, about five and forty years of age, and Lady Horton of about five less, with very fine remains, and in a small society of varied composition like that of Colombo, they deserve great credit, he for his urbanity and conciliatory endeavours, and she from her wish, if possible, to unite all parties in a social bond and strictly abstaining from any party interference. She goes home in the *Tigris*, now in the roads, in about a fortnight, much regretted by society. Sir R. goes in October next, a year before the usual time, on his own resignation. Who his successor is to be he has not yet heard. He told me he wished much to have seen Calcutta before he left India, but that his intended visit to Lord Auckland is abandoned in consequence of a letter from his lordship, saying he should in October be at, or going to, the hills. So much for the present, at least regarding our chief. His public acts have been much spoken against, but there is much to be said on the other side, and all that appears in the *Observer* of the colony is solely the interested feeling and opinion of the merchants of whom it is the organ, and by whom it is held in shares and principally supported. A Dr. Elliott, the editor, came out here some time since as an assistant surgeon in civil employ under Government which he resigned for private practice, and a guarantee of £300 a year as editor of the *Colombo Observer*. He is a very good person, I believe, but in point of talent, judgment, or manner, gives but a poor specimen of an editor, though perhaps quite good enough

for all the purposes of the paper. Mr Rough, a very gentlemanly old man, is our chief justice, Mr Jeremie is the first Puisne judge of the island; his name is familiar to you, of course, as lately figuring conspicuously in the slave business at Mauritius. You recollect the inflexible determination and perseverance that distinguished all his acts, and never were those two more marked on any countenance than on his; unflinching determination principally and strongly. He is rather a stern but certainly handsome looking man, with a fine deep set dark eye, and stern compressed mouth, and a good deal of intellect in the forehead and upper lip. They live rather secluded at present from having lost a daughter on their voyage out at the Cape; another and Mrs. Jeremie are with him here. The military I have found a fine gentlemanly set. I have been to all the Messes, and received much attention. At present in Colombo there are the 90th Light Infantry lately arrived, who relieved the 97th, the 58th, and Head Quarters of the Ceylon Rifles, the 78th in Kandy, and the 61st at Trincomalee, and at Galle a detachment of two Companies of the 90th, and two of the Ceylon Rifles, who have also three at Trincomalee that take all the detachment duty at various posts of command in the island. The Rifles have sixteen companies, of which eleven are Malays, three always stationed at Trincomalee, where were formerly sopoys from the Malabar coast, but as they have proved very indifferent soldiers in comparison with the Malays, they are filling them up with the latter, as casualties occur. The other two companies are caffres, and used as miners or pioneers in the construction of roads throughout the island, and of the sixteen they have only now about 250 men at Colombo. The Malays are intelligent, quick, steady soldiers, and the Rifle corps is in a crack state of discipline, and that is great praise when it is remembered how detached they always are.

The Right Hon. J. A. Stewart Mackenzie was the successor to Sir R. W. Horton. Mr. Stewart Mackenzie, who had formerly sat on the Indian Board, and whilst occupying a seat in the House of Commons was a member of the ministry which passed the Reform bill, possessed all the finest qualities of the English character, and the mere perusal of his speeches to the Legislative Council is sufficient to make the reader feel he is in the presence of a man of finest courtesy and greatest goodness of heart. During his period of rule the kindest social feelings prevailed in the community, for, associated with him in high office, were many like-minded with himself. Missionary effort received more countenance and support than it had hitherto or has subsequently. An issue of the *Colombo Observer* of 1838 contains the report of an annual meeting of the Baptist

Missionary Society, over which the Governor presided, at which the Major-General of the forces spoke, Mr. Justice Jeremie gave an address, and another judge of the supreme court wrote a letter of regret expressing his inability to be present, while several officers of the army also took part in the proceedings. Up to this period the missionaries had been more active than the Government in matters educational, and, besides, had done much for the general civilization and improvement of the people. One of them at least had to fight the battle of religious liberty against the State-paid chaplains, notably against Archdeacon Glenie, in regard to school children, and very ably was the part taken by the Reverend E. Daniel, who was called the 'Apostolic,' for he was 'in labours oft.'

Two newspapers existed in Colombo at the time—the *Observer* conducted by Dr. Elliott, and the *Herald* (formerly the *Chronicle*) 'established in the interests of Government.' From the beginning of its history the *Observer* took a strong radical line, and to a portion at least of the liberal creed it has adhered throughout its whole course to the present day. All matters of social reform found in it an earnest friend; hence one issue in 1838 is nearly filled with a report of a temperance meeting at which an address was given by Mr. Justice Jeremie. In every way the paper did all that lay in its power to develop self-reliance and manliness in the people of Ceylon, for the whole period—that is until 1859—it was edited by Dr. Elliott.

For many years it was a source of complaint with Indian journals that their Ceylon contemporaries contained little else than affairs of State, consisting of reports of the Legislative Council meetings and comments on island affairs,—a not unworthy reproach surely. It was also a just reproach. Looking back to that period, and turning over the pages of newspaper

files this is the characteristic of the period, the doings of the legislature, the squabbles outside about seats, and the speeches at the meetings inside. Mr. Stewart Mackenzie himself certainly did much to give interest to the proceedings of the Chamber, which, however, was not greatly needed; the state of affairs provided topics for discussion. The revenue was again showing deficits to a large extent year after year, cinnamon had ceased to be profitable, and the Government monopoly in that article came to an end, while the coffee enterprise was struggling into being.

By the Kandyan convention of 1815, Government were trustees of buddhist temples, and appointed priests to the various daladas and wiharas. This duty was long felt by conscientious men to be irksome, and Mr. Stewart Mackenzie was quick to raise his voice against the continuance of the connection. He was also prompt to recognise and reward the voluntary acts of two Singhalese chieftains who had freed their slaves. He referred to this latter event in language of much force and eloquence. He removed the tax on fish, and thereby enriched the Romanist church to which the fishermen of Ceylon generally belong; the money they formerly gave to Government they thenceforward regularly devoted to religious purposes.¹ An ordinance to regulate the printing and publishing of newspapers was introduced and passed, and lunatic asylums were established. Other

(1) Mr. G. W. Paterson, of the Ceylon Civil Service, writing some years ago on this subject has remarked, 'The people employed in this fishery are chiefly, if not entirely, Roman Catholics, who have been brought up in the doctrine that the "Church shall come in for her share," as is evidenced by the division that takes place. Thus, in fishing with the ballam and net called *Adaswala*, representing a capital of 850 rupees —

Out of every 100 rupees worth of fish,	10 rupees go to the Church;
	18 „ for repairs of the net;
	36 „ for share of ballam and net;
	35 „ to the fishermen.

Rupees . 100'

ordinances of much interest were also considered, but what marks 1839 with distinction is the budget speech of the 16th December, the first financial exposition which Asia had known. The revenue dealt with seems small, even to Ceylonese of the present day, for it was only £360,240 and of this £205,567 was for fixed establishments, leaving for appropriation £134,672.

The most important social matter referred to in this budget statement was the establishment of a medical school, and the arrangements that were made for students being sent to Calcutta for thorough training. No enterprise to which a Governor of Ceylon has put his hand has been so bountiful of good as this, for the result has been to provide successive generations of highly skilled medical men, chiefly of the burgher community. Upon education only £2,078 was spent, which the Governor deplored, but things were not ripe for a larger expenditure. 'Charitable allowances'—the Ceylon form of poor law administration—were asked for, amounting to £3,425, for which the Governor pleaded with all the heartiness of a sympathizing nature. The sources of revenue were indicated. Arrack gave £40,000, and salt £30,000 per annum. The cinnamon receipts were precarious, and all Government gardens were to be sold—a most satisfactory decision, for supreme authorities acting as dry-goods merchants do not make a seemly spectacle. One meeting did not suffice for the unfolding of the budget proposals, and at the next sitting the subject was continued, with a further lucid and full description of the state of public buildings in every part of the island. Provision had to be made for building churches, on the principle that for sums voluntarily contributed Government gave an equal amount. There was then no establishment properly so called in the island, and, said the Governor, 'I observe the "National church" is referred to by the Acting Colonial Secretary (the honorable G. Turnour); but he

need not be informed that in Great Britain there are two National churches, the one the Protestant Episcopal church of England and Ireland, the other the Presbyterian church of Scotland, both by law established. I fancy it would puzzle one to say what is the "National church" in Ceylon.'

With the passing of the budget estimates the session of 1839 was brought to an end.

CHAPTER III.

LAYING THE FOUNDATIONS OF A USEFUL CAREER.

1840—1844.

ON board the ship *Alexander*, in the closing month of 1839, Richard Morgan made good use of his time in a regular course of reading and in daily posting up his diary. This diary, some parts of which are hard to decipher through the ink having faded, is very voluminous, and would, if published in its entirety, fill a large book. That it would not repay publication is not at all certain, for its narration of such incidents as occur on a long sea voyage is very graphic, whilst the ruminations indulged in show a mind of more than ordinary capabilities, and its references to home life and friends are peculiarly touching and faithful. Some extracts must, in fairness to the writer's character, be made. A week after leaving home his reflections were as follows:—

Saturday, 16th November.—On Friday and Saturday I could write nothing, as I was extremely distressed both in mind and body. on Friday especially, as the hour approached which was just a week after I had left my home, embraced my dear mother, dear sister, and brothers, and bade them—good-bye, my heart misgave me, my spirits were extremely depressed, and I could do nothing but sit on a bench and cry for a long while. Captain MacLachlan was very unfeeling and made fun of me. . . . At night I had fever and was miserable. Late at night I got up and would have given worlds for a glass of water, but could get none, and I made up my mind to seek the steward to get me a glass. What with the weakness induced by the fever and the cold draughts blowing upon me I felt dizzy and fainted, falling upon the deck, with not a soul near to lend me a helping hand. It is at such a moment one feels the value of *home*. If I had fainted at home, what a kindly fuss would be made by mother and sisters and medical assistance procured. In my weakness and distress I felt as if I could curse the moment I left Ceylon and all my friends, but Richard there is many a trouble in store for you yet, and,

out of them all, perhaps a happy issue. At length the steward saw me and brought me a glass of water. It required more fortitude than I possessed to drink it. It was so stagnant and putrid that from a distance it emitted an extremely offensive odour, and the idea of drinking such stuff, spite of my great thirst, torturing. Of the miseries of a sea voyage that arising from the want of good water is by no means the least. The captain tells us that after a time the water will become sweet again, but such double distilled sweetness, I cannot bring myself to favorably anticipate.

Saturday, 24th November.—Early this morning, I got the carpenter to dress my hair, and he did it perfectly *a la Marsh*. The carpenter is unquestionably the most useful man on board, and I am certain in his case, even Buonaparte would have been inclined to make an exception, in saying that no man was indispensable.

Monday, 25th November.—This day was spent by me in reading a very small portion of Hume, and some numbers of the *Observer* and *Herald*, and deliberating about my poor brother. The publication of his defence in the case of Illangakoon Mudaliyar may have been injudicious, but it certainly is not of a nature to warrant the Governor's withholding *on that account* the appointment to which in the due course of things he has an undoubted right. I am confident I shall be able to show some of the liberal-minded statesmen in England that His Excellency the Right Hon. Stewart Mackenzie has not acted properly if, as I expect, brother is kept from what I cannot but consider his rights. Our fruits are fast going, and the fowls are dying on an average of three or four a day; the chief mate, with much reason, characterises this as 'd—stupid on their part.' After dinner, had an argument with captain McL., whom I begin to heartily dislike. He is very conceited, very short-sighted, and very narrow-minded. We argued concerning the utility of steam, *I pro* and he *con*. The strain of his argument was to show that steam-boats did injury to the shipping trade, and were necessary only to carry letters. I allowed there might be injury, but that it was only partial, and was more than counterbalanced by the general good. And so we continued for some time; at length I left off with the determination not to again argue with him. He would allow no premises from whence inferences could be made, and at any seeming advantage that he might gain would chuckle and laugh, all which is excessively annoying to one who enters into the pith of a discussion with a desire to find the best reason.

Tuesday, 26th November.—Got up very late to-day, and after my usual exercises kept up a little with Hume, and amused myself with writing a *rigmarole* story concerning the state of Ceylon and the abuses prevalent in the economy of the Government. I may get it published in England.

The poet says :—

'Some men are born great; others achieve greatness;
And some have greatness thrust upon them.'

I was not born great, and do not know whether greatness will be thrust upon me, but—can I not achieve greatness?

Wednesday, 29th November.—H. Roosmale Cocq (fellow-voyager to England) thinks with Moore,

"But I find, whether in sickness or grief,
Eating gives me a wondrous relief."

So he is constantly at my biscuits and sweet cakes. These are of great service, and it was very kind of mother to provide us with a stock.

Monday, 9th December—Ship going at the rate of nine knots an hour. I kept myself pretty well employed all day with my Latin, Greek, and Mathematics, and—a letter to my love.

Tuesday, 17th December—We are passing round the Cape and the weather is very squally. It is very cool, the thermometer stands at 67°. This takes off the humour of philosophizing from one coming from the land of chillies and pimentoes, as much as the heat of the desert prevented the unfortunate Dr. Clark from making those reflections while crossing it, which the Doctor dearly desired to do. Kept myself occupied the greater part of the day in writing letters and poems to ———

Thursday, 19th December.—I was on deck till very late to-night, employed in idle conjectures as to what they would be doing at ———'s in commemoration of dear ———'s birthday. Perhaps there is a party. I seem at times as stupid as Faulkland in Shaidan's Rivals. If I fancy she is sorry and dejected, I grow apprehensive about her health; but, again, if I fancy that she is gay, surrounded by friends, and enjoying herself, I wonder how she can be happy whilst I am away. . . . It was 12 when I retired.

Sunday, 22nd December—I find on sober reflection that I have been most sadly wasting my time. Idle thoughts, loose conversation, visionary projects, take up the time which should be devoted in exercising my best efforts to promote the objects for which I am exiled from my home and separated from my dearest connections. What avails it to be wandering back to those *minutes* (for they were no more) which the presence of her I love, or some other associations connected with her, and longing for them. What avails it to be treading in the mazy regions of fancy and transporting myself to the time when, under better auspices, I enjoy happiness? That Being, whom I so often rebel against, and leave to worship idols, can by one stroke deprive me of all I hold most dear, and consign me to the reverse of the circumstances I flatter myself I shall enjoy. To that Being, then, let me pray that He will temper my buoyant enthusiasm to sober reality, that He will teach me to reflect on my present object and to devote my time to it; teach me how much I owe to Him on whose mercy I so much depend, and which is daily displayed to me, and to make me remember those friends who, for my sake and to promote my good, endure many privations and suffer many inconveniences.

But that every traveller on the long sea route has written of St. Helena and Napoleon's tomb, Richard Morgan's description, well-written and full of incident and sketches of character, of a visit paid to the island, covering several pages of his quarto diary, would have been worth transcribing here.

Wednesday, 8th January. The peculiarity of my situation, together with the appearance of the elements caused me to compose the following

SONNET.

'Tis night, and silent on the deck I lay,
 And thought of home and those I've left behind
 The lovely moon shot forth her silv'ry ray,
 The vessel gaily moved before the wind;
 Beguiled with stars above me shone the skies,
 With swell voluptuous the billows seem'd to pine,
 While transient moonbeams glittered on my eyes
 And told of joys that were no longer mine.
 Suddenly adverse clouds obscured the moon's pale light,
 A power retained not long forth quick she thrust
 Her lovely face, shining more lustrous and more bright!
 Thus may it be with me, tho' now with sorrow clad.
 Joys yet may beam, I may, rejoined to friends full fast,
 A meeting gay enjoy, as was our parting sad.

Thursday, 9th January.—Nothing of importance has transpired to break the monotony of this day I kept myself occupied, besides my usual reading and writing exercises, with putting down a few maxims worthy to be observed in life They are as follows—

- I.—Never fall into debt.
- II.—Examine my accounts *every* day for ten minutes, and every first of the month for two hours, and omit not to enter every particular.
- III.—“*Nulla dies sine linea*” to be scrupulously observed with regard to my diary.
- IV.—Read the Scriptures daily.
- V.—Be scrupulously particular in my engagements.
- VI.—Avoid as much as possible embroiling myself in politics.
- VII.—Do unto others as I would they should do unto me
- VIII.—Aim in all things to have a conscience void of offence towards God and towards man.
- IX.—Study to possess a *mens sana in corpore sano*.
- X.—Be reserved in forming intimacies.
- XI.—*Never* condescend to commit a mean action.
- XII.—*Never* be ungrateful
- XIII.—Not to “aim at the moon.”
- XIV.—To carefully guard against indulgence in sloth.
- XV.—To avoid singularity, but not to ‘follow with the multitude to do evil.’
- XVI.—To cringe to no one

Sunday, 12th January.—I employed myself by writing a short sermon on the text, ‘Wherewithal shall a young man cleanse his way? By taking heed thereto, according to Thy word.’

Tuesday, 14th January—I kept myself occupied to-day with Goldsmith, and by composing some stanzas on Napoleon's tomb.

Sunday, 29th January—We passed a very argumentative day. Three subjects were discussed, in all of which I had to contend with odds, Sutherland (chief mate) and Cocq being against me. In none did we come to any decision. The first was, ‘Whether members of Parliament are paid.’ I contended

that they are not I am not aware whether any private arrangement exists between constituents and their representatives, but can easily imagine an instance where, to obtain the services of a talented individual who might be struggling with poverty, pecuniary assistance might be granted. But this could not be compulsory as members are supposed to possess estates of the value of £300 to £600 per annum. this militates against payment. The next question was, 'What is the value of a captain's commission in the army?' Cocq says it is about £500 or £600, which I doubt. I fix it as near £2,000. The third subject was, 'Whether the battle of Waterloo would have been won by the English if the Prussians had not come up at the close of the day?' I contended that Blücher arrived in time only to pursue the French after the battle had been fairly won by Wellington.

On Thursday, March 5th, England was reached, and by various stages Richard Morgan passed on to London. His first contact with English civilization in England (he had hitherto only met with it in Ceylon) is told with much freshness and point. At Falmouth he encountered a gentleman who had relatives in the civil service of Ceylon, and who told him an interesting story of official bribery thereabout. He travelled with an officer of the navy, and relates this incident:—'We engaged a seat in the coach that was to leave Falmouth at midnight, and it was here that Mr. R. acted the perfect gentleman! I had a £5 note which he took and out of it paid both our fares, promising to settle with me at the next station. He paid £1 10s. as my fare, and eight shillings *at most* in the hotel, but when we got to Plymouth, with great difficulty, I was able only to squeeze £1 18s. out of him. So much for an officer of the navy!'

Sunday was spent at Plymouth, and the afternoon service at an Episcopalian church was attended. Morgan says, 'The service was exactly the same as that I had been accustomed to in Ceylon, only that the people here were rather too civilized to kneel, and the singing was conducted in a far superior manner, meaning no offence whatever to Master Frank Prins of musical memory.' During his first ride in a steam carriage 'which was novel as it was interesting,' there was 'a gentlemanly-looking passenger who, from his taking notes and speak-

ing slowly to himself, struck me as one of the M.P.'s preparing his speech for the night.'

Busy London struck the Ceylonese lad as being the embodiment of 'confusion worse confounded,' and for some days he was not in a fit state to enjoy the marvels of the great city, for, to his consternation and with a sinking heart, he found no letters from Ceylon awaiting him. He met with much kindness from English people to whom he had letters of introduction or with whom he came in contact. 'At the ——'s,' he says, 'I was introduced to Mr. Elliott, our worthy editor's brother, who, besides being an editor himself, is now keeping his term with a view of going to Ceylon as a barrister. He is three years older than his brother Christopher, and as great a radical.'

Mr. Morgan made the fullest possible use of his time in sight-seeing, and went everywhere in the great metropolis, from Greenwich Fair, where he first saw 'kissing in the ring' and wrote an elaborate description of it, to the dome of St. Paul's. He also visited the National Gallery, and has left on record a long and not uncritical account of the pictures which then lined its walls. Exigencies of space alone prevent free quotation. In Westminster, of course, the courts first attracted the attention of the lad who had determined upon being a lawyer. He writes :—

I was very much disappointed in the appearance of the courts, for our supreme courts any day are better than the whole of them put together. They are small, confined buildings and the barristers' place very much like the pit of theatres, with a very limited space on both sides for strangers. I, of course, could not but feel gratified at being in the presence of such great men as Lord Denman, Cottenham, and other judges, most of whom, however, were very old, and, I should say, quite in their dotage. In one of the courts I had the peculiar happiness of hearing Sir William Follett plead. He is rather young, and has a very intelligent appearance. The case was about a ship which had been stranded, the wreck being subsequently sold by the captain. Sir W. Follett and Mr. Richards were for the captain and Mr. Chesswell for the owner. The lawyers are certainly superior pleaders, and woe's me, had I but the law which was at their fingers' ends! I heard Clutty

and Knight Bruce also. Owing to the numerous technicalities and allusions to Acts of Parliament, many of the cases are uninteresting, more particularly to a person who has not access to the papers, and who has seldom the chance of attaining a correct and comprehensive knowledge of the case.

The appearance of the barristers is ludicrous in the extreme. The idea of seeing young men with heads covered with white powdered wigs! So far from exciting respect it must provoke a smile, more particularly when a pair of black bushy whiskers show themselves from under the sapient wigs.

I felt myself quite in my element when traversing the courts, and my mind dwelt with a melancholy interest on the contemplation of the numerous shining characters which illumined England and shone in these halls, whose names cast a glory over the page of history. I believe a flush suffused my cheeks as I turned my thoughts from contemplating a Mansfield, a Coke, an Eldon, a Lyndhurst, and a Brougham, and thought of poor 'demnition me!' as one of Dickens' characters says. I, too, purpose to tread the mazy regions of law, but what can I do in comparison with these great men! if my impudence will allow me to contemplate the possibility of a comparison! Oh! that their spirits would animate me with but a spark of their spirit and flame, whose fame no faction can damp, no time extinguish.

Westminster Abbey, with its rich stores of England's past greatness, took up much of the young Ceylonese's time, and forty pages of his journal scarce suffice to record all his impressions. William Pitt, 'of all political characters my favourite,' attracted much attention. As was his wont, young Morgan fell a-moralising, and concludes his description of London sights thus:—

'When I consider and think that not all the glory, all the might, all the talents, all the riches, of those who lie here, could save them from the common lot of humanity! A feeling of awe was about me whilst I was in the walls of this sanctuary! Certainly, I shall ever view the 27th of May, 1840, as one of the brightest, most interesting, and most eventful days of my existence.'

As in the picture gallery of the nation so in the theatres Richard Morgan found much to interest and amuse, and his criticisms on the actors, John Kemble and others, are both discriminating and clever. The Italian opera most completely captivated his attention. 'I believe,' he says, 'that it is Dr. Sheridan who defines singing as uttering sweet sounds inarticulately! Though I could not understand the meaning of the songs, yet did a sweet rapture steal through my soul as I heard the sweet accents from the singers' lips. The sweetness of the

language which, as Madame de Stael has well observed, is amongst languages what crimson is amongst colours, uttered in the mellifluous tones of the actresses and actors could not fail to make the most unfeeling breast vibrate with the tenderest emotions.' He heard such 'sweet singers' as Madame Grisi, Mdlle. E. Grisi, Madame Bellini, and others.

His life in London, however, was not all taken up with sight-seeing and enjoyment, for he says that he purchased a number of law books, Vanderlinden, Phillips on Evidence, and others, and never, in his whole experience, studied harder than he did at this period.

Morgan's stay in England was short; news came only too quickly from Ceylon describing his eldest brother's illness and embarrassed circumstances. Whilst in London he had found many kind friends, and lived for less than £2 a week, £1 of which went for board and rooms. Passage was secured in the *Carribean*, captain Fleming, and Morgan found that if there were those who shed many tears on his leaving Ceylon there were also friends in England who greatly regretted his departure.

The diary of the voyage back is almost as voluminous as was that penned on the outward voyage. This voyage was, on the whole, much more enjoyable than the previous one, the captain being good-humoured and agreeable, and his wife particularly pleasant. Morgan's own health, however, was far from good, but he, nevertheless, greatly enjoyed the voyage. One entry on his diary runs thus :

10th July.—This day completes four years since I escaped a watery grave. That awful lesson, too, has been lost upon me, for I still go on in my sinful career.

We had rather a warm debate to-day concerning the propriety of the conduct of the captain of one of the Long Island Sound steam packets who lately refused to admit to the cabin table a coloured man, who was a passenger. Captain Fleming applauded this conduct, but Mrs. Fleming and I strongly disapproved of it. The captain of the *Carribean*, like most seamen, is much infected with prejudice against that unfortunate race whose chief crime lies in the blackness of their skins.

One turns regretfully over the pages of this diary and would fain quote at great length, much deserving a place on the printed page, but quotation is impossible. The pending war with China gives occasion for a very strong expression of opinion against the continuance of the opium traffic, and is an indication of the advanced position in politics which was a characteristic of Morgan throughout his whole career. His radicalism and patriotism conflict, and the special pleading which at last justifies England is more ingenious than honest.

An incipient mutiny broke out on board through water running scarce, but it led to no serious results.

'A few reflections on the legal profession' is the title of an essay penned on this voyage, which will be found in the appendix. Law students, and even men advanced in their profession, may find the time occupied in a perusal well bestowed.

Colombo was reached on September 22nd. The landing was looked forward to with much fear and trembling, and the suspense and worry Morgan experienced in regard to the distress and poverty in which he feared to find his family, as he says, roused in him what Byron would call 'a hell of thoughts.' This fear was not without some ground, and, when the warm welcome he received was over, he found that much suffering was being endured. The family was broken up, his mother and sisters going to Galle to live with Trutand, who was in the Government medical service, while Richard was to render all the aid he possibly could, as he prepared himself for his examination as a proctor (*Anglice* = solicitor or attorney.) His days were spent in hard study and his evenings in visiting friends, and viewing, afar off, the house in which dwelt the young lady who had secured his affections, and from whom he was still estranged through the coolness of her friends; they found a young medical man who was desirous to pay her

attentions promised to be a more desirable match than the youthful aspirant for a place at the local bar. Mr. John Staples, then an advocate in large practice, placed his law library at Morgan's service, a very great kindness which was gratefully appreciated. After a while, though he was not yet twenty-one, Richard Morgan applied to be admitted proctor, the application having been sent in on the 26th of September, 1840. The time intervening between his application and admission was a troublous one, through anxiety as to the future and present troubles pressing with great force upon him. He found support and consolation, however, at a source to which all through his life he frequently went for strength. He writes:—

Sunday, 8th November.—I received the Lord's Supper to-day at St Paul's, where the kind Mr. Horsford is again pastor. I hope it will be the foundation of a change in me, and that religious consolation will be a comfort to me amid the cares of life, cause me to place my hope on the only sure Rock, enable me to bear bravely the afflictions of this life, and that I may trust in the Divine Providence who does all for our good, who never sends trial but He sends grace to bear it

He still, however, continued much depressed in spirits, and described his prospects as being

' Dark as was chaos ere the infant sun
Was rolled together, or had shot his rays
Athwart the gloom profound '

He seems to have thought former friends avoided him because of recent trials and his soul quivered under the social ban, but there can be no question much of this was due to over-sensitiveness on his part, not a little added to by the fact that the 'course of true love' did *not* 'run smooth;' some of his utterances at this period were quite Byronic in their tragic despair. Certainly, this season of trial did him good: he sounded depths of experience, and took so firm a hold of religious experiences that all the remainder of his life bore the impress of these dark days.

On the 23rd of December he had a long and instructive conversation with Mr. Horsford, amongst other things, regarding the line of conduct lawyers ought to pursue in respect of cases entrusted to them. The reverend gentleman gave much good advice respecting conduct and performance of duty in a profession likely to be assailed by many temptations. He reminded young Morgan of Robert Hall's dictum, 'In matters of conscience first thoughts are best; in matters of prudence second thoughts are worthiest of consideration.' He was also of opinion that a lawyer should not hesitate to refuse his aid to an unjust and iniquitous client, however much he might suffer in a pecuniary point of view. All which and much other counsel of a like kind was very useful to the youth verging on manhood, who was daily in a state of great anxiety as to whether his application to be admitted to the bar would be successful.

On the last day of the year he was examined by Mr. Justice Hillebrand, who, after putting a very few questions, was quite satisfied as to the fitness of the applicant to be a proctor, and granted a certificate at once. With this in his hand, a quick pulse beating and his heart thumping with delight at his almost unlooked-for success, the warrant of appointment as proctor of the supreme court was obtained, and he at once took the oaths before Mr. Hillebrand. He then proceeded to the two district courts which then existed in Colombo, the south court and the north court, but here he met with obstacles. The lad was only nineteen: some months must pass before he was twenty, and some of the older proctors and the unprofessional judges looked askance and murmured to swearing him in. The production, however, of the warrant of the supreme court settled the matter, and on the principle that the greater includes the less, Richard Francis Morgan, Proctor of Her Majesty's

supreme court of the island of Ceylon became legally enrolled amongst the proctors of the district courts.

Eighteen hundred and forty-one opened hopefully. He was now placed in the arena, status was acquired, vantage ground was obtained, and it remained with himself whether he would fight a good fight. He had, under the stress of circumstances he could not control, entered professional life earlier than he had expected, or was prepared to do. He made a solemn dedication of himself to God, and prayed that 'diligence and perseverance in business, frugality and sobriety in habits, and above all, a proper temper, pious disposition, and a good heart may produce success in my profession, peace in my life, and happiness here and hereafter.' Possessing fair talents, an indomitable will, and much patient perseverance, there was little doubt of success in life.

In this time of early struggling he was praiseworthily frugal and economical, so that he might be able to render the greatest possible assistance to his mother and sisters. His personal expenses, leaving house rent out of consideration, did not exceed 1s. 6d. a day, and yet he had a glass of wine at dinner. The wine, however, was a gift. Ever quick at making friends, because he showed himself friendly, he had gained the affection of Mr. Gibson, of Messrs. Read, Davidson & Co., who on each Christmas day for many years presented him with a cask of Madeira. His professional income was not large in his first year of legal life, but he succeeded in beginning to pay off his mother's liabilities and his brother's debts, though he was not legally bound to do either. But, as he once remarked, alluding to this, 'I was amply repaid by seeing them happy and comfortable, particularly my dear mother and sisters.'

He kept a fee book, but his receipts were most irregularly entered. Many omissions appear, but as far as they go they are interesting as showing the rapidity

with which his income rose to a very respectable figure. The return for 1841 is as follows:—

	£	s	d.
January ¹	3	14	10
February .	7	7	11
March	6	7	6
April ²	2	3	0
May ³	3	13	6
June	8	10	11
July	7	13	0
August	11	14	6
September .	8	10	0
October. .	10	2	3
November	14	0	0
December (two days only) ..	2	4	0
	<u>£86</u>	<u>5</u>	<u>5</u>

Among other resolves made on the Atlantic ocean in 1839 the reader will not have forgotten that Richard Morgan determined to forswear politics. He was probably sincere when he made the resolve, seeing he was 'far from the madding crowd's ignoble strife,' but when strife was going on in his neighbourhood it was impossible for him to be uninterested or merely a spectator. There is, therefore, particular interest in the extract from his diary now about to be made. The description was penned the day after the meeting was held. Morgan says:—

Saturday, 27th March —Last night I attended a meeting of the burghers to consider the propriety of presenting an address to the Right Hon'ble J. Stewart Mackenzie prior to his resigning the Governorship of this island. I did so on principle. In the early part of Mr M's career I owed no debt of gratitude to him; on the contrary his conduct to me personally was by no means what it ought to have been. But I cannot on mature and impartial deliberation deny that the island owes much to him. He has invariably had the public good for his object and in the pursuit of it displayed a liberality of mind and determination of purpose which cannot but elicit unmixed admiration. Considering, however, the brief period he has resided amongst us an address would not have been imperatively called for had it not been for the great clamour which his enemies inhumanly raised against him at this period, and the attempts that were made to make the people of this and other

(1) January's account entered only to 18th.

(2) Accounts entered only to the 10th.

(3) This also is for part of the month only.

countries believe that he carries away with him the hearty curses of the generality of those amongst whom he resided

The meeting was respectably attended, and in the carrying of the address more unanimity displayed than I had expected. The older members of the community, however, studiously kept themselves away

The year was not one of unmixed prosperity and comfort to Richard Morgan. He complains again and again of lapsing into idle and desultory habits, though in this respect his word is not always to be taken as strictly describing facts any more than John Bunyan's account of himself as a most notorious sinner has much more satisfactory basis than a strong imagination and a high-toned sense of holiness. He says:—"I was lazily inclined to-day the whole day, and sorry to say did little or no business, although many poor men had come agreeably to appointment to have their affairs arranged. Apart from the impropriety of thus neglecting the interests of men committed to my charge and taking advantage of their dependent positions to make them leave their lawful avocations and dance attendance upon me repeatedly to no effect;—apart from the impropriety and danger of a professional man being thus negligent in his business and irregular in his pursuits, there is a species of moral dishonesty in these professions unattended by performance, in these failures to attend to calls which a pledged word, bating all other considerations imperatively, demand of one. Even in the lax morality prescribed by the Scotch bard,

"Where you feel your honour grip
Let that aye be your border,"

Such conduct is reprehensible. And when to these considerations be added the claims which religion makes upon me, how doubly improper does my conduct become, and how much is my wickedness and sin magnified! Let me resolve then not to allow the transient enjoyment of the moment, enjoyment in any sense of the term, to interfere with claims so important and so sacred.'

Until 1843, little of importance occurred to vary the even tenor of the way along which the young proctor was going. He was prospering in his profession. His fee book—very irregularly kept, two months being entirely omitted—shows £222-2-2. £100 more might fairly be added, and the total would represent the income of that year.

The following year 1843 shows a great increase in receipts, the total being within a few shillings of £700. In the month of May in that year his fees were £96-3. But he was greatly hampered and worried for want of a wife. If he had not been in love, bachelorhood might have been no hindrance to him, but of an ardent nature as he was, throwing his whole heart into everything he did, being 'in love' meant a great deal to Richard Morgan. Here are his own confessions on the subject :—

I was reflecting this evening about the necessity of a systematic arrangement of my time. But I must expect any pre-arranged plan to be broken though occasionally by events of particular days. As a general rule, however, I purpose to divide my time thus : six hours for sleep, six hours for business, six for studies, and six for recreation. The last is certainly extravagant, but without in my present circumstances absolutely necessary. four every day go for counting and but two remain. After I am married, perhaps I may afford to be less prodigal in this respect. The sub-division must necessarily depend upon circumstances, but with care and precision, though a minute here and there may and often will be necessarily lost, still the general features of the plan may be maintained and its spirit preserved.

At this time too he wrote much poetry—of a kind. He says himself that the pieces are too poor to meet the eyes of any but the members of his own family. He seemed to think that he had a constitutional tendency to allow time to slip by without making fullest use of it, and scarcely a day passed without his combating with his tendency till in after years it ceased to trouble him at all and hard and earnest work became a delight and pleasure to him.

Selfishness or envy had no place in his nature, and just at the period when men with as much ambition as

he possessed are engaged in the keenest rivalry and often look with suspicion upon the success of others, he records with genuine pleasure his gratification at the success of James Stewart, his great rival. When, in 1848, James Stewart was sworn in as deputy Queen's advocate, he says, in an entry made in his diary on the day in question — 'I wish him heartily every success. His merits entitle him to the position.' Stewart was very young, and when he was sworn in, a question was raised as to his rank at the bar. Mr. Langslow, the district judge of the south court, Colombo, held that Stewart was entitled to precedence over all other practitioners not Queen's counsel. Morgan writes :—

'This is likely to give umbrage to some of the older members of the bar I hardly know how Henry Staples will take it But I believe it is settled that in all British courts Queen's counsel take precedence. The distinction is founded on good sense and good policy, and I see no reason why Ceylon alone should furnish an exception to the general rule'

Spite of the 'six hours a day spent in courting,' the young proctor found time to take a share in what slight and trifling political affairs were then attracting attention, all of which proved of good service to him in the stirring times which occurred before the decade had passed. At the meetings of the 'Friends of Ceylon,' a political society, he was a frequent and regular attendant. His greatest achievement at this period was appearing before the Legislative council to plead the cause of those who expected to be victims of an attempt to continue most exclusive caste privileges. In 1848, the council had before it an ordinance to amend the jury ordinance, the change being necessary owing to a new charter of justice having been granted. It was then found that the practice of the Dutch, which had recognised classes in castes, had been perpetuated, and high class Vellalas refused to sit on the same juries with members of the same caste though of a lower class. When this was clearly apprehended, the legislature at once announced

its intention of not recognising the distinction. The high class Vellalas became highly offended and indignant, petitioned the council, and prayed to be heard by counsel in the legislative chamber, that they might show cause why the change should not be made. The request was agreed to, and meanwhile, the lower class Vellalas having been active, and having sent in their petition, it was determined both sides should be heard.

Mr. James Stewart appeared for the 'exclusives,' Richard Morgan, proctor, a beardless young man of twenty-two, for the popular side of the dispute. He did the work *con amore*. His aspirations in early days were ever towards radicalism and the extension of fullest rights and privileges. Even in after years, when he had long been in high office, and there had gathered round him barnacles of conservatism, and official reticence and etiquette greatly impeded his action, he was true to the creed of his early youth and brightest manhood. He counted as one of the greatest privileges of his career his correspondence with Joseph Hume during the troubles of 1848-50, and in September, 1866, writing in a playful strain to his son Owen, then being educated in England, he said, 'The Tory ministry seems as though it would not last till February next. Then, if not earlier, I sincerely trust the Derbyites will be turned out, and Gladstone at the head of affairs, with John Bright, as Chancellor of the Exchequer, or in some similar office. Mind you spend seven shillings and sixpence at my expense on illuminations, when that takes place!'

It has seldom happened that the Ceylon Legislative council has been crowded by an interested public, save on grand opening days when the Governor's gold-braided coat is alone worth going to see, but on Thursday, the 21st of September 1843, its capacity was tested by the many persons, interested in the discussion on caste, who were present. Petitions were first presented

and read, from the fisher caste of Singhalese and Moors. The petitioners objected to the system of classification on the grounds that it had the tendency of retarding the advancement of the people in civilization, and of creating discord and animosity among people of the same caste and among members of the same family; also that it would impair the efficiency of the system of trial by jury, and be the first public recognition and encouragement on the part of Government of the doctrine. Mr. Stewart then spoke on behalf of the 'exclusives' in a speech of some ability, but marked by special pleading on most untenable grounds, and it is clear throughout, as the speaker stated, he was talking from his brief, and not uttering the convictions of his heart or head.

Mr. Morgan's speech, on the other hand, though necessarily technical in parts, is alive with feeling, and abounding with generous impulse. The principle underlying the case is thus tersely put :—

The state of the question between us this day, divested of all technicalities, is this. Is the distinction of different classes of one and the same caste to exist or not? It will appear to this hon'ble council that much difficulty is spared me from the circumstance that there is, as indeed there only can be, but one opinion in all reflecting minds on the impropriety of such classifications in the abstract. Even my learned friend has added the weight of his testimony to it. The great argument therefore is : Allowing the distinction to be ever so improper, still considering that it has so long existed, that it is founded on the feelings and prejudices of the people, is this the time to remove it? It will perhaps suggest itself to this hon'ble council that this doctrine of classification is comparatively new to the knowledge and experience of many. We have all heard of caste; it is intimately connected with the history not only of Ceylon, but of India generally. But this classification of caste, this refinement of caste, this kind of double-distilled essence, this 'heaping caste upon caste,' as was aptly remarked by an hon'ble member of this council, has only lately been brought to public notice. But we are nevertheless now told that it has existed from time immemorial; and an argument is drawn from it that it should therefore exist longer. As regards such arguments generally, I may be here allowed to promise, and I am perfectly willing to concede, that in a measure indifferent in itself and calculated to produce no improper consequences, a wise legislator may fairly pause to consider whether it will be necessary or prudent to shock the feelings of the people by introducing any sudden change as regards it. But if the measure is likely to produce mischief, directly or indirectly, then all con-

siderations of expediency must be scattered to the winds, then toleration must end, and restraint commence, and the legislature must promptly stretch forth its arm to remove the evil. Apply this principle to the matter in dispute, and the result will furnish an unanswerable argument in my favour; or if I succeed in shewing that this classification is attended with mischievous consequences, in fact that it must inevitably produce them, as it has produced them hitherto, I may then, with perfect confidence, call upon this honourable council unhesitatingly to declare, that however venerable it may be for its antiquity, or however dear to the feelings of the people, it is an evil that must be rooted out without one moment's further delay.

He proceeded to show that in some sumptuary regulation regarding dress, reference was made to caste and not to class, and the research is pursued through the school, land, and marriage tombos of the Dutch to show that *recorded* recognition of classes in caste did not exist. In only one case, and then in a proclamation of 1811, was a reference made to class, but even then it was not in connection with caste. He says:—

Now the word class certainly occurs in this proclamation. But it does not refer to the classes of natives. The proclamation talks of two bodies of men, Dutch and natives. Speaking, therefore, with reference to the Dutch and the natives (that is not the Singhalese only, but the Singhalese, Malabar and Moors,) it mentions 'classes and castes.' Class in reference to the distinct bodies of Dutch and native inhabitants, and castes with reference to the natives among themselves. For the word caste alone would have rendered the proclamation defective, as by no possibility would it have included the Dutch, amongst whom no castes exist. Whilst, therefore, with regard to the Singhalese, the relations of castes existed, the Dutch and the Moors could only be treated of as different classes. And the conclusion we must come to from this cannot but be that the word classes does not bear the narrow and limited construction which my learned friend has put on it; a conclusion which is strengthened by the consideration that there are positive qualifications prescribed by the ordinance, and they are the 'character and condition' of the juror only, and not a word about his class, that the proclamation is directed to the collectors of the district and not to native headmen, and that in the wording of the clause the word class is put before castes and not after it; which would have been the case had the former been only a sub-division of the latter. But let us suppose that the word class relates only to the Singhalese inhabitants alone. What then? That would not go to show that they were to sit in distinct classes. The object of the proclamation was to get a correct return of men eligible to sit as jurors; and the collectors may have been directed to prepare it in their different caste and class, for the sake of arrangement, to summon them the more easily, or for a thousand other such purposes.

Things went on thus till 1839 when the judges of the

supreme court discovered the practice and issued an order of court to stop it. How this order came to be a 'dead letter' is thus explained:—

It is perfectly unnecessary for me to attempt to offer any observations upon an order which speaks so strongly on the subject. Comments will but weaken its force. The judges, than whom none are more competent for the duty, deliberately decide against the system so justly complained of. The sequel of this matter seems involved in some kind of obscurity. The first class gentry were roused from their halcyon state of tranquillity, and we find (the why and the wherefore, I, of course, know not) the four Mudaliyars who remonstrated against the system which gave rise to the order alluded to, quietly admitted into the first class. We find also that representations were made to the judges, in consequence of which they directed the fiscal to suspend its operation 'till further orders,' a step which they were probably led to take at finding strong representations made against it, the old talk of shock of feelings and habits and prejudices of the people raised; and that the matter was such as more properly called for the interference of the legislature; more particularly as the men who began to oppose it (to wit the four Mudaliyars) ceased doing so all at once. The order, however, was not repealed, and, whether operating or not, it is necessary to attend to it on account of the strong testimony it bears in our favour as regards the working of the farfamed system of classification.

Thus it appears, if I have succeeded in making myself understood by the council, that in public matters this question of classification discloses itself only at the time of trial by jury, although not recognised by Government or sanctioned by the laws even then. But, sir, it has been said that these distinctions existed before, and the authority of Valentyn has been quoted to establish this doctrine. I am aware of that authority. But I contend that it shews that the distinctions only existed in the private walks of life. Distinctions of this nature must ever exist in every society, but it is equally clear, and as well founded, that in public matters, and with reference to public acts, the same rules will not and indeed cannot apply. Private conveniences must ever give away to public good. And the argument which would insist upon the toleration in public of distinctions in private life is based on false philosophy. The legislature would be overstepping its due bounds, did it enter the domestic hearth and say to this man, 'You must associate with such a one, admit a second to your table, and marry your daughter to a third,' or any of those acts which Valentyn enumerates. But the analogy does not hold with reference to public matters. The question is, Have these distinctions been recognised in public matters? This was the point to be proved, and I humbly submit that it has not been proved. If then the Government have never hitherto recognised them, can it be expected that at this time of day the British Government will make an ordinance splitting the absurd and monstrous distinctions of caste into the still more galling distinctions of class?

I have said at the outset this doctrine of classification is attended with much mischief and is productive of evil consequences. It is necessary to enter into

details to show this, and if the council require it, I am perfectly ready to do so, although, for reasons which are apparent, this is by no means a pleasing task. I beg to call the attention of the council to the jury list, which is a matter of record in the fiscal's department. The list, your Excellency will find, is composed of one hundred and twenty names; a small number, but the number of working men is much fewer. There are names of persons who are at such a distance from Colombo that they cannot act and also of superannuated persons, and of persons employed about the courts, and who, therefore, cannot, for those respective reasons, act as jurors. The first, for instance is the name of a man who never as yet sat on the jury, a man who resides about one hundred miles distant from Colombo. I have examined the list attentively, and am prepared to show that the hundred and twenty persons named are more or less related to each other. The list is artfully prepared, the names are beautifully interspersed—a father here and a son there. This does not appear at first sight, but if we were to 'look through it with sharpened eye inspection' we should easily find this out.

Mr. Morgan here instanced the name of one individual who appeared second on the list, the name of one of his sons appeared eighth, and another son appeared thirty-sixth, showing also that these were not active jurors, and then continued :—

These hundred and twenty individuals belong to some eight or nine families, and these families are all related to each other. This may appear a bold assertion, but I think some of the members of this honorable council know well the truth of what I say. Is this state of things to be allowed to continue? Will the prisoner to be tried believe that these persons are likely to give an honest and fair verdict? Justice, to be perfect, must be above suspicion and satisfactory to all parties. But will you tell the humble native who sees this kind of family jury, that thirteen men try him who are unconnected with each other, perfectly unbiassed by each other, one acting as a check and restraint on the other; and that these men so trying him give their fair verdict? Will you tell him this, when he knows the patriarchal authority of native fathers over their sons, and the great submission of the latter to the former? Will you tell him all this, and require him to believe it when you know that it is a doctrine to which even a well educated mind would find it hard to give implicit faith? 'Such a practice,' as the learned judges of the supreme court observed, 'only requires to be mentioned at the present day to secure its abolition.'

But this classification not only works much mischief by impairing the efficiency of trial by jury, but is also calculated to wound and hurt unnecessarily and improperly the private feelings of individuals. Hitherto, it was some consolation for the individual placed in the second class list to know that he was so placed only by private parties, but how great will his anguish of mind be when he finds that the government, the British government, characteristic for its liberality and enlightenment and the even-handed justice it deals out to all its subjects, and that the British laws in the eye of

which he has heretofore thought all men were equal, publicly sanction a measure, which, without any shadow of reason, would thus disgrace him and place him below his fellow-subjects ! What, I ask, is it that regulates the distinction of classes ? It is not birth, for I can shew that there are many in the second class fully as respectable as the first ; the fact that some in the first class list are related to some in the second class list, would not conclusively demonstrate this. It is not rank, which would be perhaps a proper distinction, for there are Mohandrams in the second list, whilst there are mere Appuhams in the first. Upon what data then will you proceed if you allow the classification ? Heretofore the few who prepared the list consulted their private feelings and included in the highest list their relations and intimate friends. Considerations certainly did interfere with them, but they were those of family feuds, petty animosities, domestic differences. Is this degradation to be tolerated any longer ? Will your Excellency and the hon'ble council deliberately lend the sanction of law to it ?

If then I have succeeded in shewing that this classification is calculated to produce much mischief, the argument that its abolition would give a shock to the feelings of the people, ought not to weigh with the council. But I think the council will find that this shock to the feelings is more a matter of argument ; it is more imaginary than real. How comes it that on the board of native commissioners, men sat together day after day—aye, sat together, I say, at the same table, though belonging to different castes, consulted together, and decided the various matters that came before them ? Look at the men of different castes and classes sitting together in public offices. It is true that they are paid for it ; but what of that ? How nice, how very nice must those feelings be, and how much to be respected, when a little money can so amply compensate for the deep shock they sustain !

But it is said they cannot consult together. The permanent assessor at Colombo, Galle and Kandy used, day after day, to consult together with other assessors, men of all classes and castes. It is true that he had, as regards the sitting part of it, a separate platform for himself ; but it was made, I believe, with a view of his being nearer the judge ; at any event he sat on the same platform even with men of the same class and the same caste. Thus, sir, I think it will appear that the argument of the shock to the feelings is not clothed with any great authority, and that the apprehension is only imaginary.

But an argument is attempted to be drawn that the ordinance recognized the distinction of caste and not that of class. I have stated before for my clients that we shall be extremely happy if caste be abolished altogether, and some more intelligible and civilized standard introduced in the trial by jury. But the council has recognized caste, and I see that it has done so wisely, all circumstances considered. The question of caste generally is recognized in all the ordinances and regulations of Government ; and, further, men of different castes may sit together on the same jury without producing that mischief which may arise from men of the same class sitting together. These are probably the reasons which induce the council, whilst they continue caste, not to tolerate the distinction of classes. And I cannot see the force of the reasoning that because one exists, the other must also exist. Take the one as part of the other. can we not remove part of an abuse without

removing the whole? Or, take the strongest case in their favor, view them as two distinct abuses, cannot one be removed without the other? The abolition of the one is a step gained, and we are nearer the point to which we are all reaching.

The next remark, as far as I could gather, was the time for the abolition of this distinction was not yet come. It was argued, 'Why interfere now? Leave it to time, to education' Sir, it mischief has been shown to have risen from this system of classification, the time is then come for the council to interfere. The council now for the first time makes a law upon the subject. When trial by jury came into operation, I allow then was the proper time; because, sir, it strikes me that the toleration of caste is perfectly incompatible with the enjoyment of free institutions; it is opposed to the fundamental principle of the British constitution which declares that all men are equal, and as long as in practice we disregard this principle, so long are we totally unfit for the privilege of trial by jury, ay, of any free institution. The time, sir, for the eradication of this bane came and it passed away, but if when this great blessing was first given us, a proportionate sacrifice of this attachment to caste was not required of us, if thirty long years were allowed to run their course without anything being done to check the evil, let not this hon'ble council, at this the first time when the subject comes before its notice, at the very first time when by law we are to have the privilege of trial by jury regulated and established upon proper basis, shut its eyes to the evils it produces and tamper longer with them, and say 'The time is not yet come for their removal' Is the time come that shows us the existence of the evil? The time is then come for the removal of it.

It is scarcely needful to remark that the popular cause gained the day, or that Richard Francis Morgan became very popular with the natives; his popularity was shown in many ways, and continued till a generation arose who only knew Richard Morgan as the framor of laws, which sometimes hampered them if lawlessly inclined, and who were unaware of this and other brave deeds of old. Nowhere in the world perhaps is there greater ignorance of recent past history of a country than among the rising and present generation of Ceylon.

The year which records this political and professional triumph was also noteworthy for Morgan in other senses. Here approach is again made to the inner life of the man of whom it is desired that these pages should give a faithful account. Six weeks after the speech in council,

the following entry occurs in his diary now very irregularly kept :—

Friday, 3rd November —To-day I exhibited another instance of attempting to fly before I could walk by a senseless purchase I made of a fine diamond ring from Messrs. Lambe and Rainals. The gem was a good one and very elegantly set, but the price (£25) was too high for a man in my position, and as a just punishment for my extravagance I found —— disappointed of the purchase much as she admired it, and would hardly accept it.

Untaught by the experience recorded on November 3rd, three days later the love-sick youth did an equally injudicious act. He himself describes this ‘as the most miserable day he ever spent: in fact it will ever be a black-letter day in my life.’ It seems that whilst in the fort on business he called at Messrs. Venn’s place of business, and seeing some very fine scarfs for sale, he selected the best he could find, paid £4-4s. for it, and with great delight took it to the young lady for whom he had purchased it. She declined to accept it. They were to be married in May of the following year, and she, probably, thought more carefulness in saving for that event should be exhibited; perhaps female caprice may have had something to do with the decision, but one thing is clear, she would not accept the gift. The article was left with many protestations, but in the evening it was returned. Richard Morgan received it from the hand of the servant and fell down in an epileptic fit, the effect of which kept him a close and almost dying patient for some days. Of the illness and the reconciliation which followed, nothing need be said here. The reader who desires to see a record of what actually passed in Richard Morgan’s case, allowing for certain variations, had better read a certain chapter in that purest and best of novels, “John Halifax, Gentleman,” where John Halifax contemplates emigrating to America, and Ursula March, as he was recovering from a serious illness, went to see him. John did not go to America. In some portions of that work, the gifted authoress might have had

Richard Morgan for her hero, and scenes from his life for description.

This serious illness showed the young professional man how great a number of friends his steady, laborious, and useful conduct had secured him. The number and variety represented in the record is surprising, and gives an indication of a state of things which thenceforward existed to the last day of his useful life, viz. . that he was held in high esteem by men of all races. The explanation of this is to be found in the patriotic feeling of the Ceylonese. The natives and burghers were proud to find a man growing up from amongst themselves able to take equal rank, from force of natural and acquired ability, with any of the strangers who were dominant in the land. Standing as Richard Morgan did at this time upon the threshold of a citizen and political career, and about to be married, the tokens of esteem which he received while recovering from his serious illness were in the highest degree trouble to him. The educational value of sickness and gratifying is apparent in the following passage in the diary, dated November 15th, 1843 :—

Old W—— came to see me and gave me an account of his late severe illness. Although a neighbour, I had never thought it my duty to call and see him whilst he was ill, and, therefore, blushed for myself when he came to see me in my time of affliction.

On the same page some shrewd observations are recorded, which found practical exposition a few years after when he became a leader of 'the people' in their opposition to authority.

'I did a little business to-day,' he remarks, 'and amused myself with reading a portion of Hume, viz.: the latter part of the reign of Edward III, which contains, among other things, the notable victories in France won by that king, and his illustrious son, the Black Prince. In winding up each reign with a review of events, as is Hume's custom, I find a very shrewd remark: 'They mis-

take,' says the historian, 'the character of this reign who think it was not arbitrary. It was arbitrary. All the prerogatives of the Crown were exerted to the full, but what gave some consolation, and promised in time some relief to the people, was that *grievances were complained of by the commons*. This is most true. Grievances may exist, and the people be oppressed by the ruling powers, but where grievances are complained of the man of foresight sees some consolation, for he knows that this is the beginning of the efforts for their removal. The people feel a wrong, they have the spirit to complain of it: here exist the elements which must, to a certainty, bring about a change. Where, on the contrary, wrongs are done and the people do not seem to feel them, or, feeling, slavishly bend to the yoke, complaining not nor murmuring; where no invasion of right seems to be felt by the people, as was the case in England during the reign of the Tudors: then indeed, may true patriots wail and lament, for the prospect is dark and gloomy, and in vain do men look for streaks of light, harbingers of a brighter dawn.'

The *raison d'être* of these conclusions was the verandahs question then agitating the public mind, and in these remarks is to be traced the working of leaven which afterward produced energetic action. The following penned next day is amusing—

Early this morning I had several visitors, among others Gomes Mudaliyar Gomes seems much attached to me since I took such a prominent part in the jury question, and is very lavish both in the frequency of his visits and the quantity of his advice. He is somewhat of a favourite with many of the grandees, and acts as private cashier to some of them. He spoke of the cleanly habits of the English gentry, as evinced by their daily baths, a practice which must be extremely salutary to the general health of the body, and which I mean to follow as soon as I am re-established in health.

Among the same day's jottings, after a full and appreciative notice of the Madras Diocesan Christian Institution, the restless heart of the young man, desir-

ing to make greater use of his time with the view of getting nearer perfection, mentally and socially, resolved some of his old resolves. 'I was reflecting this evening,' he writes, 'about the necessity of due and systematic arrangement of my time. A danger arises, however, in making these arrangements of being too precise, for there is always something or other to lend a particular feature to the employment of each day, and by attending to this the pre-arranged plan is broken through. But, as a general rule, I purpose to divide my time thus :—six hours for sleeping, six hours for business, six for studies, and six for recreation. The last certainly seems extravagant, but withal, in my present situation, absolutely necessary. I trust to maintain at least the general principles of this plan and observe its spirit.'

The last entry for the year 1843, and for many months subsequently, deserves quotation in full, from the interesting glimpse it gives of the politics of Colombo in that year :—

Friday, 17th November.—Unable any longer to bear my confinement, I ventured abroad this day. There was a public meeting held in Main street regarding Mr Langslow's suspension as district judge of Colombo and to petition the Governor against it. At that meeting, most numerously attended by persons of different classes, Dias, the proctor, and legislative councillor, took the chan. Elliott was the only man who made a speech, the rest merely moving and seconding the different resolutions. Elliott spoke fluently and certainly very boldly. Both Anstruther (the colonial secretary) and Buller (Queen's advocate) would have quailed before him had they been present.

There was no British merchant present. There is a great, a most disgraceful, lack of public spirit amongst the merchants of this colony. It is a pitiful sight to see a body of men of so much intelligence, affluence, and (apparent) integrity, truckle to the ruling powers in the way the Colombo merchants do. To mix with the aristocracy, to get their families on visiting terms with them, is all they seem to care for, and to attain this end they regard not what sacrifices they make. What would an energetic person in England say, were he only to see the terms on which these gentlemen submit to belong to the Colombo hierarchy? Men of wealth, men of intelligence, men of influence, men of honour, in no way inferior to their brethren, the officials in the colony, still submit to be black-bulled by any paltry youth who holds an office under Government or any stripling ensign in the army—

to seek as a favour of these admission into an institution like the Library. All the time perhaps they are able with the greatest ease to get up a far better library of their own. Truly the reflections are sad which suggest themselves to any one's mind who contemplates these facts and more particularly who compares them with the brave and spirited conduct of the merchants some ten years ago, when George Ackland led the van. 'How are the mighty fallen.'

The proctors presented a memorial to the Governor (Sir Colin Campbell) to-day, touching Mr. Langslow and against his suspension. His Excellency received them very kindly and promised to take their memorial into his very serious consideration. — has shown himself a black sheep, for he would not join. The conduct of this man in this matter is disgraceful and deserves notice and serious blame. Did he conscientiously dissent from us, and candidly say so, however much we might differ in opinion, still we could not find fault with him; but the double-dealing which he evinced in this matter, his expressing his hearty concurrence in the object and willingness to forward it— all the while he was against us in his heart and trying to prevent our taking any steps at all and, by some subtlety, to wash his hands of the business —stamps him with a character despicably low and most shamefully dishonest.

CHAPTER IV.

FIVE YEARS OF HAPPY HOME LIFE AND CITIZEN
USEFULNESS.

1844—1849.

On the first of May 1844, Richard Francis Morgan was married in the Dutch Wolfendahl church to Joseline Sisouw. The old church in which the marriage took place is a massive building of very heavy architecture, with enormously thick walls, as if intended to stand a siege. Looking at its massive appearance one is inclined to quote the line penned by Wordsworth whilst he was revelling in the exquisite beauty of King's College chapel, Cambridge, viz :

"They dreamt not of a perishable home who could thus build."

with a meaning different to that which was in the poet's mind. The marriage ceremony was performed by the Revd. Dr. Macvicar, of the Scottish Presbyterian church, who, in a letter written fifteen years after to Mr. and Mrs. Morgan, when they were in London, thus alluded to the event ' Your letter awakens many pleasing recollections of which the 1st of May 1844 is none of the least. So far am I from forgetting the memory of that day that the emotions connected with the occasion have sealed Wolfendahl church, the marriage party, and all the surroundings most vividly upon my memory. If I ever see Mrs. Morgan again, I may describe to her the dress she wore on the occasion. I seem to see her still. It was a beautiful sight. All her relations about her full of

congratulations, followed by kisses in the church. We never see anything of the kind in this country, and from the want of a family circle in Ceylon it is impossible to us there.'

Several years of happiest married life followed ; the years were somewhat barren of interest, and therefore happy, for domestic life is like the life of a nation, in that it is happiest when it has no history. The professional career, however, was full of incident and marked by great prosperity, each year seeing a clear advance made on that which preceded it both in regard to fame and in respect to income. For the purposes of this work, the period was most particularly marked and noteworthy, not because of professional advancement, but by reason of the bold and decided stand which was taken by Mr. Morgan as a citizen, and the great (unpaid) services which he rendered to his countrymen.

At subsequent periods of his life, when official honours crowded thickly upon him, he figured more largely in the public eye, and was the recipient of many tokens of appreciation, but never was there a time in his career in which Mr. Morgan so well deserved the esteem of his countrymen of all races as in the years now under review. He largely assisted in creating in a land heretofore unknowing such things, a new field for effort and a fresh development for the energies of earnest men. He became a citizen reformer, and, in a country despotically ruled, essayed and succeeded in performing this most difficult rôle. Whilst Richard Cobden and John Bright were fighting for free food in England, Christopher Elliott and Richard Morgan were struggling on behalf of the people of Ceylon against what were believed to be unjust exactions by the Government. In Ceylon, such a struggle must, necessarily, be much harder than in England and more difficult than in countries where representative assemblies exist, wherein popular battles may be fought. Difficulties of this kind

are greatest in despotically-ruled countries, but additional obstacles have to be encountered where, as in India and in Ceylon, the reins of power are in the hands of an official caste, derisively termed 'the heaven-born.'

Elsewhere, in this work, an attempt has been made to estimate the effect upon Ceylonese of all races of a superior class of people from a foreign country mixing with them. Good and helpful in one sense as this has been, so far as officials mainly are concerned it has been peculiarly blighting. Immersed in petty details of official existence, if any are high-minded and broad-viewed enough to take a part in purely popular reforms, the exigencies of their position prevent their doing so. This is the case with a reformed civil service, such as now exists, and when the non-official community in Ceylon is five-fold larger than it was thirty years ago. Further 'the Government' in the eyes of an oriental people is so sacred that active opposition to its decrees is the very last thing that is thought of by the ordinary Eastern subject. The oriental character is the very antithesis of that of the Irishman who, landing at New York when an election was proceeding, was asked whether he supported the republican or democratic candidate, and replied, 'I'm ageust the Government.' The excessive reverence which is felt and exhibited for those arrayed in the garb of authority is one of the most melancholy features of life in India, Ceylon, and elsewhere in Asia. All this needs to be borne in mind, if we would rightly estimate how much is conveyed in the fact that the rising young lawyer, with whose life-history we are concerned, deliberately throw in his lot with those who were waging a popular battle, and took a prominent part in the struggle.

There were not wanting in 1845 topics respecting which the reflective mind could find occasion for criticism and opportunity for suggestions for reform. The verandahs

question was an open wound, continually exercising the minds of the people whose property was imperilled and affording occasion for the keen wits of the lawyers to decide moot points. This, however, did not come to a crisis for some years, and though men talked about it, though official motives were believed to be corrupt, and though the people seemed certain that particular officers wished to become quickly enriched at their expense, no active opposition was yet attempted.

The supersession of the judge of one of the Colombo courts occasioned much agitation, but the Legislative Council of nominee representatives was, for a while, the cause of most earnest effort. From the first, the English merchants had objected to the palpable want of representation in the chamber, but more particularly were dissatisfied with the feeble control which was given them over the finances of the colony. New interests in the island needed fostering, and roads were wanted to enable the produce of large districts covered with the coffee plant to be conveyed to the shipping port. Taxation was felt to be onerous, and the radical editor and proprietor of the *Observer* newspaper, strongly urged upon the people the necessity for seeking representation in the council by election rather than by nomination.

Into all these things Morgan entered with characteristic ardour, and he struggled with a pertinacity for which few people are inclined to give the community to which he belonged credit. He took a place in the front rank, and though only a young man of twenty-four, at public meetings and elsewhere stood on perfect equality with European merchants of many years' standing in the colony. This was particularly the case in 1846, when a great public meeting was held. The *Colombo Observer* of the day says, that this 'was the most important and interesting meeting that ever took place in Ceylon.'

The rooms of the chamber of commerce 'were crowded with almost every British and native merchant in Colombo, together with other residents and planters from the interior.' Various resolutions, of uncommon force and great liberality, were brought forward and spoken to, mainly by European merchants. Resolution II was entrusted to Mr. Morgan. It was as follows.—

The sums of money voted annually by Legislative Council for public works often remains unexpended for years, from the absence of the sanction of the executive to the expenditure, and thus help to swell up what is called a 'surplus revenue,' which surplus, instead of being a test of the prosperity of the island, proves nothing but the neglect of public works, such works, of course, having been felt to be absolutely necessary at the time the votes were called for. Your petitioners would, therefore, ask that when such grants are made and have obtained the due sanction of Her Majesty's council, the objects of the said grants for works be carried out and the unexpended balances appearing on such grants at the end of each year (being considered as already set aside until the works are completed) be kept entirely separate from the statement of the revenue for the following year.

In support of this resolution the young burgher lawyer spoke with energy and force to the following effect :—

He said he felt much pleasure in seconding this resolution. He was not acquainted with the facts which it embodied; that was to say, he had not personally examined the matter so as to be able to state with certainty the nature and extent of the seeming imposition and neglect alluded to in the resolution, but judging from the testimony of others who had the means of ascertaining the facts and from what fell from Mr. Wilson who moved the resolution, and seeing also that the fact was repeated publicly, often asserted and never contradicted, he had no doubt but that the grievance complained of really did exist. Not to speak of the injury sustained by the neglect of public works, which had been already fully dwelt upon, the practice of including monies already appropriated for special purposes in the general account, that the surplus revenue might speak for the parties as showing a good balance sheet in their favour, the result of their good management and prudent stewardship was injurious to the general public and productive of much substantial evil. The money was already spent or at least ought to have been spent, and it was a contradiction in terms to call that surplus revenue which was no surplus revenue at all, and which seemed to have no existence save in the fruitful imagination of the party representing it as such.

But there was one subject connected with this surplus revenue and the representation of it which struck him as forcibly illustrating the necessity of a remodelling of the Legislative Council spoken of so ably by Mr. Armitage and Mr. Wilson. Year after year the Governor in bringing forward his

budget, spoke of this surplus revenue, year after year he showed a balance sheet made out at the sacrifice of public works, and the members, at least the unofficial ones, felt and knew how erroneous the representation was, how unequal was the so-called surplus revenue—but still proceedings of the council did not record a single instance of any member evincing sufficient curiosity to inquire from his Excellency where the 'surplus revenue' was, and by what new ingenious mode of arithmetic he had made so beautiful a sum total. So far from doing this, no sooner did the Governor disappear after his most gracious speech, than forthwith the scene changed and a right-loyal address was voted and presented, thanking his Excellency for his kindness and condescension and also for the wise foresight and skilful management which brought about such glorious results and made the treasury so healthy, the people so happy, the country so prosperous. He was far from imputing any want of duty to any of the honorable council. He sympathized with the unofficial members who were so powerless and impotent in that assembly that it could not be expected of any of them to rise in opposition in such a matter as this when their labour was sure to be thrown away. But a thousand arguments could not illustrate more satisfactorily the necessity of remodelling this assembly than this one single fact did. This, he thought, was a matter of paramount importance and one which deserved the most careful attention of the meeting, for he was convinced that if the council was remodelled and placed on a wider footing than at present, that was a remedy which would strike at the root and save the people of the country from many of the evils under which they were at present labouring.

The resolution referring to the council seemed to him not to go far enough, and he would respectfully suggest for the consideration of the meeting whether the petition should not go further and pray for a representative assembly. The meeting was aware that in Canada, the West India Islands, Newfoundland, Nova Scotia, Bermuda, Antigua, St. Vincent, Jamaica, Barbadoes, St. Christopher, Grenada, and several other colonies they had such free institutions. And besides the houses of assembly composed of the representatives of the people some had a council composed of a few officials and the chief inhabitants of the place who mediated between the house of assembly and the Governor himself, thus presenting in miniature an admirable system of king, lords, and commons, which is the pride and happiness of the British people. The case of Canada in particular deserves notice. After the lapse of only eleven years from the time the English got possession of it, a free constitution was granted to the place with all powers excepting that of imposing taxes. But seventeen years after that this restriction was also removed, and full powers of internal government given. He alluded to Canada in particular not only to show the readiness of Britain to make concessions such as these to her colonies, but also to call attention to the pledge which at that time the imperial parliament gave to all the dependencies of Great Britain. That parliament was then (1791) composed in a manner that it never was afterwards and probably never would be again, and on reference to the debates of the day we find the master-minds that thus led the house, Pitt, Fox, and Burke give up their mutual opposition to each other, and join in commending the measure on the ground of the necessity of assimilating colonial institutions as much as possible with the institutions of the mother-country.

We find Mr. Pitt, who introduced the bill, expressly declaring 'that as much as possible of a constitution, which was the glory and happiness of those who lived under it, and the model and envy of the world, should be extended to all our dependencies, as far as the local situation of the colony and the nature and circumstances of the case would admit' It is a matter well deserving of consideration whether the nature and circumstances of this colony do not warrant the establishment of a representative assembly here. The present council, it was well known, was established in 1833, and Mr. Aimitage had ably shown how much the country had improved since. Even at that time, Mr. Commissioner Colebrooke, to whose recommendation the council owes in a great measure its origin, in proposing the establishment of a council to legislate for the country, and giving to the members among other things the 'privilege of proposing measures for consideration,' says such a council 'is not proposed as an institution calculated in itself to provide effectually for the legislation of the island at a more advanced stage of its progress. It will tend, however, to remove some of the obstacles which have retarded the improvement of a settlement possessed of great natural resources, and it would eventually constitute an essential part of any colonial legislature for which the island may be prepared at a future period. In the meantime the efficiency of the Legislative Council may be improved from time to time by the appointment to it of respectable and influential inhabitants of the island, who would give weight to its decisions, and support and stability to the Government.' Eleven years had passed since that time, but they were eleven years of no ordinary interest to Ceylon, which had improved considerably during that space of time. Two free institutions we have had for some time, and the result has shown that we are in a situation to appreciate their advantages. Shall it be said that, if the natives of the country are competent to sit as jurors in trials of life and death, they are not in a situation to appreciate duly and use properly the blessings of a representative assembly? If the society of the country can support three local newspapers, shall it be said that that society is unequal to maintain a representative assembly? But the data within our reach enables us to go further back than 1833. In the Dutch time, there was a free institution such as this in Batticaloa, similar to the burgher senate which existed in the Cape when the English took possession of it, and it is said that the province improved under it and the jealousy which used to prevail between the colonists and the natives was removed owing to the latter having a share in the government. About the year 1800 Sir Alexander Johnstone got the Government to re-establish this institution in Batticaloa, and in a short space after such re-establishment the country improved, the population doubled, the produce in grain quadrupled, and the province, which was before of little importance, soon became remarkable for the cattle it reared and the abundance of grain which was produced upon it. Sir Alexander Johnstone went to England at that time and recommended that the island should have a free press and a free institution similar to the West India colonies, and particularly a representative council. It is known that the then Secretary of State was not averse to the plan, but owing to his relinquishment of office and certain circumstances which occurred afterwards, the adoption of

the scheme was prevented. Now, without entering into the consideration of the expediency of the measure then, and even admitting, which he was prepared to do for the sake of argument, that it was fortunate that Sir Alexander Johnstone's proposals were not acted upon at that time, surely he (Mr. Morgan) was fairly entitled to draw this inference that if the state of the country then was such that men like Sir Alexander Johnstone, able to form an opinion, and with the interest of the country at heart, soberly and seriously thought that such institutions could be introduced at that time, surely now there can be less ground for hesitation. He therefore pressed upon the meeting whether the contemplated petition should not (if for no other object than not to run a chance of not losing anything by not asking for it) go the full length of asking for a representative assembly, leaving it to Her Majesty's Government, if they are of opinion that we are not prepared for such an institution, to strike a medium, and at least give us a better Legislative Council than the pageant we have now. Mr. Morgan would detain the meeting only to make one more observation. Mr. Armitage had said that he stood for no particular class but to advocate the interests of a million of people. As a native of the country, he rejoiced at the declaration, and he hoped the country would even obtain his (Mr. Armitage's) able advocacy and the strong support of the mercantile community. This was perhaps the first time all the merchants had assembled to consider measures conducive to the interests of the colony, and Mr. Armitage himself had said that they were now, for the first time, unanimous. Long may that unanimity continue, and long may it be exerted for the good of the country, and as a native, he personally could not feel sufficiently grateful for such support and interest. It had been said that

'There is a soul of good in things evil,'

and, much as he regretted the existence of the evils now discussed, it would not be candid in him were he to conceal the fact that he also rejoiced that they did exist, seeing they had the important effect of enlisting the sympathies of the wealthy, strong, and influential body of merchants and planters in favour of a country whose government, to say the least of it, was still so imperfect. And so highly did he, for one, appreciate the support which they had now obtained, and so firmly did he feel convinced that it must redound to the ultimate interest of the country that, rather than lose it, he would that the evils were for the present multiplied to an infinite extent, so that the remembrance of them should become grievous, the burden of them intolerable.

To the earnest radicalism here expressed, Mr. Morgan remained steadfast to the end of his days, though latterly he did not express himself so fully or so forcibly as on this occasion. The explanation is to be found in the fact that the object of his ambition changed, and, instead of striving to obtain for his countrymen the great boon of widened representation and popular assemblies, he showed

them what earnest effort and personal worth could do in another channel. At first this seems a matter for regret, but fuller consideration reveals that, after all, seeing representative Government in Ceylon is but a matter of time, and that a short time if the people would be in earnest, all unknown to himself, Richard Morgan was doing more to obtain for his countrymen great privileges than if he had posed before them as a reformer. He has shown the great capabilities which the community to which he belonged possess, upon whom for a long time would depend the major portion of representation, as in an earlier stage of the country's history they were the hidden wheels of the State machinery, upon the harmonious and careful working of which success was achieved.

One result of Mr. Morgan's energetic and patriotic efforts was that the voluminous diary which he had kept hitherto was neglected, and the glimpses given both of his inner life and his active endeavours are very few. In the blue books of the period and in the newspapers his name appears most frequently, but the opinions of himself at this time, and the letters he wrote or received, are very scanty. An insight may here and there be gathered from the fragments which remain; these may be given in his own words. He was one in a band of a dozen men whose unceasing efforts were successful in procuring the recall of the Governor and two of the chief servants of the colony, viz.: the Colonial Secretary, Sir Emerson Tennent, and the Government Agent of the Western province, Mr. (now Sir) Philip Wodehouse, late Governor of Bombay. Various entries in Mr. Morgan's diary are as follows :—

Saturday, 12th September.—This day I stopped at home, preparing an opinion, at defendant's request in the Kandy case of Solomon v. Mooyart, which I despatched and sent off. I was busy also with the verandahs petition.

Sunday, 13th September —Being unwell, we did not attend church in the morning. I occupied myself with the verandahs petition, about which also I saw Dr. Misso in the afternoon.

In the evening we went to the Baptist Chapel, and heard Mr. Davis. His text was 'God is love,' and, as usual, he preached a most excellent sermon; he first showed how different was the lessons which nature unaided by revelation taught, for the workings of nature often excited dread. He illustrated this, (1), by the feelings which all experience in unknown scenes of an unknown power, the savage seeing a ship approaching a shore, the traveller wandering in untrodden climes, the child refusing to go to a stranger until moved by gifts and caresses; (2), the power of conscience which, convincing us of sin made us dread God? How could we believe that he could love such sinful wretches as we are? Opposed to these revelation taught us that God is love. What effect should such a statement have upon our minds! The discourse was a most powerful and eloquent one.

Tuesday, 15th September.—To-day a matter came on before Mr. Case in his Tuesday sittings, a question as to who—mother or father—was entitled to the guardianship of any child on a habeas corpus. I appeared for the mother, but Mr. Case seems against me.

In the evening we had an interview with Sir James Emerson Tennent touching the verandah question. The deputation consisted of Dr Misso, Drieberg, Dias, Johannes Ebert, George Schneider, Philip Vanderstraaten, John D'Silva, Cowasjee, James Alwis, and myself. The purport of the deputation was to request that the local Government should suspend all proceedings until the decision of the Home Government should be ascertained. But this he positively refused to do. He said that great delay had already taken place, that the matter had been already fully represented to the Home Government, and that the rights advanced were deemed so utterly futile that Government would not, if it could (which he denied was possible) stop. He expressed however the readiness of Government to effect a still greater reduction of the charges if proper data were placed before the Government to enable them to do so, after which we parted.

In a matter of this kind I feel a peculiar difficulty in advising the parties as to the course to be pursued. Certainly my own feelings are that they should discuss the question of right, that we should not give way to the oppressive cruelty proposed by Government and rather than that allow every verandah to be pulled down. But opposed to these are considerations which affect the parties themselves and which should not be lost sight of by them. These are all connected with and dependant upon Government. Will it do them any *real service* to make head against that Government? Again, there is a possibility of the Government measures being ratified in England. Then the prayer for reduction will come too late. What, again, can compensate for the loss of the verandahs and the subsequent discomfort and inconvenience it would cause?

Under these circumstances I feel I ought to be cautious how to advise my friends, and should not allow my own feelings to lead them to a course of conduct which they may afterwards have cause to regret.

Wednesday, 16th September.—Spent this day very idly. Had a small trial of Hillebrand's cook which we lost. Drafted a petition to the Queen in council which was unsatisfactory. Retained in a Negombo case for trial to-morrow.

Thursday, 17th September —I have been very badly treated by —. This

day I had occasion to call upon him on business. He actually made me wait at his door for fully ten minutes and then sent word to say that he 'had no time to speak to me' Well did Junius remark that 'injuries may be atoned for and forgiven, but insults admit of no compensation, they sink the mind in its own esteem, and force it to seek its level by revenge.' I never felt myself so humbled, never so grieved as on this occasion, and although my duties as a christian tell me that it is improper to harbour angry feelings against any person, yet as a man I cannot fail to resent the insult by the most scornful disdain, the most contemptuous indifference, to manifest my utter want of all respect for a person who could dare to treat me in this way Received £11 as retainer to-day.

His review of the year was in the following terms—

31st December —Another year has rolled its course and is lost to me forever. Oh! how can I answer for the opportunities lost, the warnings disregarded, the blessings despised, which this year when it rises in judgment against me will disclose.

When I look back upon the past as regards my spiritual course words are inadequate to express the compunctious feelings which crowd within my heart. Hardened in my career as a sinner, vile and wretched, going astray in the midst of light and blessings, the past year has found me worse than ever I was.

And still the great Providence hath been gracious to me as regards my personal career. In my new career of advocate, I have had good business, and enjoyed an income fairly averaging £1000 a year. May my career both in a spiritual and temporal point of view continue to be successful in the ensuing year, and oh! Almighty Father smile graciously upon me, my wife, my darling boy, and such family as thou dost give me, and upon all my relatives and friends.

The year had seen a step forward taken in the young man's progress. He was admitted an advocate of the supreme court, though only twenty-four years of age, while, as he says, his income was at least £1,000 per annum. This, too, in spite of the fact that, as has been shown, he was taking a prominent part in public and citizen business, which so many Ceylonese of the present day profess themselves unable to find time to attend to. There must have been extraordinary ability and sobriety of demeanour in the young man to permit of his taking the prominent part he did in deputations to the Governor, presiding at public meetings, and pleading in court.

Early in January 1847, his second child, a little girl

was born. His remarks upon the event, were in the following terms :—

Such occurrences suggest serious reflections. They must induce me to look both after my spiritual and temporal concerns. My family is becoming larger and my responsibilities are enlarged. Would that they produced renewed efforts to enable me with the blessing of the Almighty to provide for such responsibilities and to discharge with fidelity the trust reposed upon me.

And thou Great Disposer of Events from whose eye even the flowers of the field, humble though they be, are not hidden, smile on my child, pour down thy blessings upon her. Grant that she may prove a source of joy comfort and happiness to her mother and myself, and give her all the blessings thou deemest fit for her, and sanctify those blessings unto her. Raise her dear mother also soon from her present bed of sickness. Crown her with health and joy, and may our jewels be the means of bringing us to a sense of our sinful condition, of awakening us from our danger, of leading us to the throne of grace there to get pardon and salvation, and to commence a new and holy life so as to answer the purposes of our existence, and be the means of drawing down blessings on our children and preparing them for their heavenly home.

The year was one of unceasing activity, in which professional advancement was assured, and during which the congratulations of friends were showered with little stint. Yet, when the twelve months had passed, Mr. Morgan's own review of the period failed to yield full satisfaction, even though he had marvellous prosperity, success such as to cause envy and annoyance to some. Only twenty-five years of age, and yet in possession of an income of £1,500 per annum, happy domestic relations, and the sense of great usefulness to his fellows, nevertheless the heart of the man was not satisfied. There was the yearning which all good men feel for greater purity and perfection; there was the sense of neglected opportunities which all who strictly review their past doings have frequently to lament. Outwardly all was fair and prosperous, but inwardly much heart searching was felt to be necessary. Mr. Morgan was not morbidly inclined, and true men will recognise in the passage written on the 31st December 1847, now to be quoted, that which revealed the secret of his success. The men who enter

upon the duties which lie before them with a serious and sincere heart are they who perform them most faithfully and well, even though they themselves are dissatisfied with their own performances. Morgan wrote: 'But a few pages from this is an entry made on the last day of the year and as brief seems the time that passed. Would that the responsibilities which the last year has entailed upon me were as brief:—

I cannot review with satisfaction the past year, not that I have been less prosperous in my worldly career, for in spite of my shortcomings I have been very, very successful in my profession, but the continued and increased success has not excited proper dispositions in me either in view of my temporal or my spiritual interests. Grossly regardless of both I have wasted opportunities and despised advantages, abused talents and prostituted powers which will all rise against me in judgment at the last day when we shall all have to render an account of ourselves and each make a due return for the talent entrusted to his care.

It is impossible, therefore, that I can look back upon the past with pleasure, nor do I feel I can look forward to the future without misgivings. Will the same opportunities be afforded me, the same success? Shall I continue as prosperous and my family as happy?

The happiest treasure the past has afforded me is domestic comfort. In the endearments of my beloved wife and my children, who are all a parent's heart can wish, I have been truly happy. May this source of happiness be ever continued to me and may I daily appreciate its value. May my darlings continue to live in hope, joy and love and all the Christian graces, and may they not

'Unbeseem the promise of their spring'

and oh! may I be enabled with divine mercy to train them early in the ways they should go, so that when they are old they may not depart from them.

My worldly success has been great, I last year had an income of £1,500 a year.

I feel depressed and unable to continue. May the recording angel drop a tear on the past records of my life, and oh! may Divine Providence enable me to make up for what I have lost and may the next year see me a new man and a better Christian, my dear wife and children happy and blessed.

Whether the closing year afforded more satisfaction or not, certain it is that Morgan ceases to complain so severely of himself. Eighteen hundred and forty-eight proved to be both noteworthy and peculiar. It was full of toil for the public weal, was marked by much effort as a citizen. During the whole of it and the year following

the moral atmosphere of the island was rent with a veritable political cyclone, in which Morgan could not but have borne a conspicuous part, though he has left but brief record in his own hand-writing. The special colleague of Dr. Elliott, with that gentleman he bore the main burden of the popular agitation on behalf of the people in regard to the verandahs, and was, in addition, their advocate in the cases tried in the district courts of Colombo. Much time was occupied in the preparation of the cases, and references occur in the early portion of the meagre entries in the diary for this year. As for instance :—

8th January —The verandah cases were postponed to-day as much by our consent as by the wish of the opposite party, they not being quite ready to proceed. We had a consultation, however, with Mr. Lawson.

Sunday, 16th January 1847 —This completes the first anniversary of my darling Josey's birth. In the morning I went to church. Mr. Horsford preached rather an indifferent sermon. I occupied myself the greater part of the day in reading Abercrombie's *Moral Feelings*. Abstained from business, though the temptation of looking into the verandah cases which come on to-morrow was great. Reflected on the necessity of cultivating the moral principle and acting agreeably to its unceasing dictates. May such reflections produce a permanent impression and induce a corresponding change of conduct.

Monday, 17th January.—To-day the verandah cases came on, but beyond hearing Stewart's address which, as usual, expressed very great confidence in the success of the case, and captain Pickering's evidence, which was fairly delivered although in some respects more bold than the truth justified, nothing was done and the trial was adjourned to Thursday. Did no other business, for this kept me engaged from very early in the morning.

Tuesday, 18th January.—Was rather lazily inclined this morning, but went early to the office and employed myself in preparing a statement in Jaffna 1212. Hudson, Chandler and Co., were declared bankrupts to-day—awful crash! and what ruin and agony it will excite! How uncertain is a merchant's life!

Returned early and took a drive and called at —'s. Returned home for dinner after which I kept myself engaged in effecting an arrangement of my papers long wanted. I divided my eight office table drawers with numbers and arranged papers thus—

- 1st—Papers requiring immediate attention.
- 2nd—Correspondence.
- 3rd—Accounts.
- 4th—Law Books.
- 5th—Documents of others to be returned.

6th—Mr Hillebrand's papers.

7th—Opinion book and Note books, &c.

8th—Miscellanea.

Received £8-4 to-day.

Thursday, 20th January.—The famous verandah case was resumed to-day. The crown closed its case about three and I commenced my address which lasted till half-past six when the court was obliged to break up. I dwelt on the legal merits of the case, and took an opportunity to pitch into our great snob, calling him a "Daniel come to judgment, yea, a Daniel." Insulted feelings, not revenge, will have a vent. Came home quite tired.

Friday, 21st January—Verandah case again. Resumed my address which took up an hour longer, after which Lawson addressed the court for about half an hour and our witnesses were called, who, so far as they went, proved an excellent case of possession. Court closed at four allowing Stewart (an advantage which was denied me yesterday) the privilege of replying to-morrow. In the afternoon attended the funeral of the Reverend M. Ondaatje.

Saturday, 22nd January.—Stewart replied, and as usual with him, well. But he has fairly got the Government on the horns of a dilemma. The only way in which he attempted to answer our case of prescription and the inference of a grant deducible therefrom was by showing that being a highway it is not grantable. Very good argument for a lawyer, but how does this consort with the acts of Government who are selling away verandahs in every other street?

Wednesday, 26th January—Mr. Lavillere gave judgment in the verandah cases, of course for the crown. I blame him not for the finding, he may conscientiously think it correct, but some remarks in the conclusion seem evidently put—if not at the suggestion of, certainly to pander to, the appetites of the Government. Verily it is a melancholy thing for a country when the administration of justice is suspected and the poor look to the judges for protection in vain.

Sunday, 30th January—Was meditating a good deal on my idleness and negligent and unbusiness-like habits. They will ruin me unless mended. I have resolved upon a course of greater punctuality, but, considering how frail my resolutions are, will not record them until the experience of a week at least gives me reason to hope better for the future.

One noteworthy circumstance in Morgan's career, characteristic of every stage of his life, was the humiliation of heart and mind with which he was always possessed as the reaction of a great triumph, professional or political. Men who saw indications of this, late in life, were inclined sometimes to doubt the genuineness of such humility in so uniformly prosperous a man. A long entry in the diary for the year under notice shows how thoroughly sincere Morgan was in this respect. On the 24th of January he formed one of a deputation of four

gentlemen,—Dr. Elliott, R. F. Morgan, James Alwis, and J. B. Misso—who waited upon the Governor, Lord Torrington, in respect to the verandahs question. At the expense of some mortification to themselves, by the boorish and insulting manner in which the deputation was treated by Lord Torrington, Mr. Morgan and his friends achieved a great triumph. In the conversation had with the Governor Mr. Morgan took part with effect, though the chief portion of the speaking was by Dr. Elliott. In the sight of the whole colony Richard Morgan was a prosperous man, a leader of the people, honoured on every side, yet, reviewing his own conduct in the privacy of his chamber, during the quietude of the night, away from the glare and distraction of the day, this is what (the day after deputation service and on the evening of the day on which he had drawn up a report of the interview) he is compelled to say :—

Monday, 25th June.—Should I happen to die in my present state, what will my end be? This is a most serious enquiry. A sinner wretched and degraded, in spite of decent morals and worldly advantages, my soul will perish everlastingly. And my future prospects are as black. I have made no provision for those I love. My family, the wife on whom I doat and the children dear to me as life, would be thrown destitute on the world. Starvation and misery would be their fate, and my name would be but a scorn and a by-word. Let me briefly review my state in regard to my social and domestic relations and also by my standing before my Maker, as a sinner, as a member of society, and as a husband and a father.

And first in regard to my relations towards my God. A sinner vile and abandoned, with no hope of mercy, no chance of salvation. The Saviour has died in vain for me! He lives in vain to plead for me, for begotten in sin and shaped in iniquity, I make light of His mercies and despise His favours. I am indeed the chief of all sinners. Ignorance and want of education, want of knowing what is right and want of means to profit by such knowledge may mitigate, although it cannot remove, the guilt of others. I have no such excuse. I have been blessed with talents. I have had opportunities to improve those talents. I have enjoyed advantages beyond the lot of many, and blessings have been showered upon me far beyond my deserts! I have abused those talents and despised those advantages and blessings, and how can I expect to be saved. Independently of talents and advantages to know what is right, and knowing do it, I have had a course of prosperity granted to me, which I did not deserve, and which of itself ought to have awakened me to love and gratitude and filled my mouth with

praises and my heart with adoration of Him from whom all these good things came. Success in business, gratification of my desires, a happy and prosperous home, with a loving family, are not these favors to inspire gratitude and to kindle love? But the Almighty hath not spoken thus only. He has endeavoured by afflictions and by warnings to arrest me in the progress of my guilty career, and make me pause before I perish everlastingly. How many in the bloom of life have been laid bare before me and called suddenly to render their last account. My heart is cold and callous, and I say peace when all is danger and trouble around me, with my talents misemployed, blessings disregarded, advantages thrown away, opportunities lost, warnings unheeded—oh! the danger in which I am engulfed, oh! the misery I am securing for myself. What, oh! what, shall I do to be saved?

A stranger from my God, an outcast from Israel, and like the dog delighting in its own vomit, not only have I neglected my duty towards my God, but my duty towards my neighbour. Oh! how black the catalogue which a review of this branch of my duty opens upon me. I dare not trust myself to ask the question. Have I regarded my Saviour's command and loved my neighbour as myself? In any active work of benevolence I have never been engaged, and wide as my influence is, and enlarged as are my means of doing good, I have never done one single act to which I can turn with pleasure, and mark it as one solitary instance of my love. So far from it, an utter want of that charity which suffereth all things and perhaps deep-seated malice and envy have been my characteristics. How fond I am to suspect and to misconstrue the motives of men, how prone to speak evil of others, how ready to judge hastily of men.

In business my success has been great, and thus far beyond my deserts. I have not only no ability commensurate with my duty, but no industry to make up for want of ability. But yet wanting both I have succeeded and still prosper, while many men of worth and talent, of industry and integrity are neglected. My means are in consequence good. Is it not base ingratitude not to see the hand of Providence which is still working for my good, and unless I exert myself even now, shall I not tempt Him to leave me to myself? In such a profession as I am engaged in, ignorance and industry cannot long remain concealed. Want of competition and adventitious circumstances may obtain support but cannot keep and retain it, and if neglected, what will become of my poor family and of others dependent upon me.

And am I just to my creditors? This is most unpardonable in me if I am not. It was the besetting sin of my family, and should have been avoided. I see amongst my relatives the consequences of improvident habits, but their example and failure have hitherto spoken in vain. Oh! let me feel that of all pressures, pecuniary embarrassments are the worst, that I can never hold up my head with honest pride, never make a good citizen or a good christian, never enjoy peace at home and comfort abroad until I am clear from debt and owe no man anything.

My habits are unpromising. 'Unstable as water thou shalt not excel' was the apprehension of the patriarch of his eldest son, and it has proved true in me. Instability in everything is the root of all my bad habits. Let me endeavour to mend them, and seek in humble dependence on my creditor to lead a new life and with a view to it, let me endeavour:

1st —To make my peace thoroughly with my God.

2ndly —To set my house in order.

God have mercy upon me and favour me with the light of his countenance, without which resolutions may be formed and success expected in vain.

As auxiliary to the above and with a view to amendment, perhaps the following division of time may prove desirable

Rise at 4 : to $\frac{1}{2}$ past 4, prayer and meditation
 $\frac{1}{2}$ „ 5, English exercise, logic, &c
 $\frac{1}{2}$ „ 6, recreation
 $\frac{1}{2}$ „ 8, law reading
 $\frac{1}{2}$ „ 9, dress, breakfast, family prayer
 from 10 to 4, business
 4 to $\frac{1}{2}$ past 6, recreation and light reading
 $\frac{1}{2}$ past 6 to $\frac{1}{2}$ „ 7, historical and other reading
 $\frac{1}{2}$ „ 7 to $\frac{1}{2}$ „ 8, Latin.
 $\frac{1}{2}$ past 8 to 9, prayer, &c
 $\frac{1}{2}$ „ 9 to 4, bed.

In July disturbances occurred in the low country, and a miserably feeble attempt at rebellion in the hills. Those who had agitated about verandahs and were active in other matters were held to be responsible for the disturbances. Particularly were Dr. Elliott and Mr. A. M. Ferguson, as editors of the *Observer*, considered to be enemies to good and peaceable government. Several residents in the central province, including one of the church missionaries, came to a determination to withdraw their subscriptions from the *Observer*, and by a notice in the library at Kandy, call upon other subscribers to do likewise. This was done, but, as the sequel proved, without in any way harming the newspaper. The movement in Kandy, moreover, was promptly met at the outset in Colombo, and a meeting of the 'Friends of Ceylon' Society was called. Mr. Morgan was chairman, and the result of the meeting was a communication to the newspaper attacked to the following effect :—

TO THE EDITORS OF THE COLOMBO OBSERVER.

SIRS,—In compliance with the request of a meeting held yesterday, I have great pleasure in transmitting copies of three resolutions which were carried unanimously

I am further to add that so soon as the necessary preliminaries shall have been arranged, a deputation will wait upon you to present you with the piece

of plate referred to in the fourth resolution. With regard to the latter part of that resolution, you will be good enough to direct two copies of your paper to be sent to Cowasjee Iduljee, Esq., treasurer, for every one that has been or may be given up by the parties to the proceedings at Kandy, and debit him with the amount of the subscriptions.

I am, Sir,

RICHARD F MORGAN,

MUTWAL, 10th August 1848.

Chairman.

Extracts of resolutions passed at a Meeting held at Colombo on the 9th August 1848.

3 That this meeting views with regret (but without the slightest apprehension for the result) the unworthy attempt made at Kandy to suppress the *Observer* newspaper, and feels called upon, therefore, to bear testimony to the incalculable good it has achieved, without reference to class distinctions, and to express its confidence in the strict impartiality, and outspoken independence which have characterized, and the pure and generous motives unawed and uninfluenced by authority, which have ever actuated the conductors of that excellent journal. This meeting also feels itself called upon to assert that the charges brought against the *Observer* to the effect that it has incited the people to rebellion, are entirely unfounded. On the contrary we are firmly persuaded that some of the causes which have given rise to it and to the dissatisfaction prevailing universally would have been averted, had the Government acted consistently with the views and sentiments of that paper.

4. That in token of the high admiration which this meeting, in common with all who have a deep and permanent interest in the welfare of this country, feels for Dr. Elliott's praiseworthy conduct, a subscription list be opened for the purpose of presenting to that gentleman a piece of plate, and for the purpose of taking two copies of the *Observer* for every one that has been or may be given up in consequence of the proceedings at Kandy.

5. That the chairman be requested to transmit copies of the third, fourth, and fifth resolutions to the editors of the *Colombo Observer*.

Among the new taxes which had been imposed, and against the payment of which the disturbances in the country were a protest, was what came to be known as the poll tax. By an ordinance, passed in 1848, every able-bodied male between the ages of sixteen and sixty were bound either to work on the roads for six days in the year, or pay the equivalent in hard cash. This was the first time that an attempt was made to impose a direct money-tax on an oriental people, and the opposition was very great. The exemptions were the Governor, soldiers, budhist priests, and (subsequently) immigrant coolies.

To work this ordinance new bodies were called into existence termed respectively provincial road committees and district road committees. These were to be entrusted with the funds collected under the road ordinance and to arrange for its expenditure. Certain high officials were members of the committees, and representatives of the public (in a minority) also sat upon them. With more wisdom and foresight than generally characterized his acts, Lord Torrington conceived the idea of turning the whilom burgher radical agitator into an ally and a supporter of the acts and policy of Government. He, therefore, commissioned the author of the measure Mr. (now Sir) Philip Wodehouse, Government agent of the western province, to wait upon Mr. Morgan and secure his services as a member of the provincial committee for Colombo and the region round about. How this was done, and the reasons which induced acquiescence are thus described :—

5th October.—Mr. Wodehouse saw me to-day and on the authority of the Governor asked me to become a member of the provincial committee under the road ordinance, which office I accepted for three reasons ; first, not to do so would be to expose myself to a penalty of £50 ; and secondly, the ordinance was an important one inasmuch as it conceded the privilege to the public (in some measure) of directing the appropriation of the money levied under the Act, an important step towards a system of municipal Government, and it is, therefore, deserving the co-operation of every one ; and thirdly, because Mr. Wodehouse made the offer very kindly and expressed his own personal anxiety that I should accept the office. When my acceptance was communicated to him, he then, quite courtier-like, told me that, as a member, I must help the ordinance and endeavour to remove the opposition existing against it. I told him that as a member of the committee it would, of course, be my duty to endeavour to give the ordinance operation.

I am of opinion that if the people can bear a direct money-tax, and if the sum fixed be not unjust (high in amount and alike to all rich and poor) this ordinance deserves support. I should take care, however, in what I do, as well to avoid alike any compromise of perfect independence and the indulgence of factious opposition.

This was the first step on the official ladder, the top of which was to be reached by rapid progress in a highly honorable manner. Various projects of law reporting, and digests of decisions occupied the young lawyer's

mind, a fact of no little credit to himself as the social atmosphere of the colony at that period was full of exciting stories more or less scandalous, and in the mere retailing of them, as they appear in parliamentary blue books, one's time could be fully occupied. Though very fond of a good story, Morgan was not a retailer of scandal, and his memoranda are conspicuous for their freedom from stories likely to be damaging to the reputation of friends. Only those who have resided in a colony like that of Ceylon, particularly in such a time as that under review, can tell how much is involved in such reticence. Regarding his plans of legal authorship, on the 8th of October Morgan prefaced his record of projects with the following admonition to himself:—

It may not be uninteresting (it certainly cannot be uninteresting) to enter and note down in this book the various projects I form in my mind from time to time. It may assist the execution of such as are really useful and deserving of attention, whilst on the other hand, a review from time to time of how much I projected and how little I executed will preach to me a severe lesson condemnatory as much of my presumption in attempting much as of my indolence in doing so little. Some below were formed by me since sometime —

1. To make a digest of the plan of Mr. Harrison of the cases decided by the appeal and supreme court, and the important and leading decisions of the district courts.

- 2 To make a like digest of the ordinances in force, including, if possible, the unrevoked Dutch regulations in an appendix.

3. To make an alphabetical index in English of Voet (not only the contents of the title but of the section likewise) and when Voet is completed, of other Dutch works. and indeed a general index of both Dutch and English for my own use.

- 4 To master the law of pleading and of evidence.

N. B.—The study of the law in all its branches should, of course, be the chief object of my study, but these two branches as being of constant use, in respect of which there is not equal time for preparation, ought, in particular, to be mastered.

5. A complete course of historical reading Tytler and Keightley as compendia, and Hume, and others to follow.

(For convenience sake the above and other projects to be in like manner formed, will be entered in my private memorandum book.)

A month was spent on circuit, the inducement to travel with the judges being a retainer of £75 which Mr.

Morgan received to defend the kachcheri shroff (cashier) at Hambantota, who was charged with theft. The journey proved to be a very profitable one in a pecuniary sense, whilst Mr. Morgan's fame as an advocate may be estimated from the fact that at Kalutara, where sixteen cases were for trial, he had retainers in fourteen; at Galle, out of fifty-one cases he appeared in thirty-seven, having refused several others, whilst at Matara he only stayed long enough to defend the man for whom he had received a special retainer.

Further entries in the diary are not without interest:—

Sunday, 3rd December.—Since my return I have been rather careless again with my business, which continues nevertheless to increase. How long shall I abuse the bounty of Providence in thus disregarding his favours? There is just now a pressure of business which must be got rid of, and yet I waste my time in comparative trifles. I wish I could be certain that I shall be more punctual in future.

Monday, 4th December—Engaged in two cases this day, in both of which Philip Vanderstraaten thrashed me. One was a question purely of facts in which I do not complain, but the other was a very foolish objection of law, but which Lavilliere very stupidly upheld. The case is now, however, on appeal.

There was a meeting of the Trinity church congregation this day which I did not attend, because I came late from court, and because it was merely for the purpose of choosing trustees. I am informed, however, that C ———, the printer, very stupidly and improperly (for he had not my consent) moved that I should be one. I feel very much annoyed at it indeed—but I suppose the poor fellow meant no harm; I am not very ambitious of the honour, and do not wish upon conscientious grounds to be one of the trustees. The ordinance requires that they should be members of the church. I am one by baptism, and I will add by profession, but I hardly think I am one in spirit, for there are many matters as well in the government as the general economy of the church to which in principle I cannot subscribe.

Tuesday, 5th December.—This day we had some cases before Mr. Justice Temple. One from the court of requests at Galle was interesting. Introduced to Mr. Henry Dias, our new barrister—he seems intelligent.

In the afternoon I had a meeting with Miss ———, the governess in Sir Emerson Tennant's family, who called to consult in a case she intended to bring against Sir Emerson. Dissuaded her from it, and I think she left satisfied with the reasonableness of my advice. I feel no doubt as to the propriety of it.

The estimate of the year, which was made on the 31st of December, was not altogether unfavourable.

Mr. Morgan's income had exceeded £1,500 which, for a young man of twenty-six, in a small colony as Ceylon was then, was eminently satisfactory.

The last year of the first-half of the century was a very important one for Ceylon. A committee of the House of Commons was appointed to enquire into the affairs of the colony, the appointment being mainly the result of the efforts to this end of Dr. Elliott, Mr. Morgan and others. Frequent correspondence with members of parliament followed, more particularly with Joseph Hume, who wrote direct to Morgan and received much of his inspiration from the young burgher. In after years, Morgan used to speak of his connection with Joseph Hume as the brightest spot in his memory, and the event upon which he was disposed to dwell with greatest pleasure. The fight in the committee rooms of St. Stephen's, Westminster, could not be fittingly told in this personal narrative; it would be well if the facts were succinctly gathered and laid before the generation now existing, which knows little or nothing of that stirring period.

Morgan's own chronicle, brief as it is, of the year may be given with little or no comment, as the passages to be extracted explain themselves:—

Thursday, 4th January.—Went to hear bishop Wilson's charge to-day, but could hear very little, though what we did hear was very edifying. He is very infirm, and speaks of this as his dying visit to Ceylon.

Friday, 5th January.—This day I stayed away from office with a view to dispose of some business in hand. I did little, however, except write a mock letter from Sir Emerson Tennant, purporting to be an account of his career in Ceylon. From all I hear and observe, I am afraid he is not a very good man. He has talents, and he knows it: he seems to us to prostitute them to unworthy ends. Scheming and intriguing seem with him the order of the day.

Sunday, 7th January.—This day we attended service at Trinity church, where bishop Wilson preached. The venerable prelate seemed like an old apostle taking leave of a portion of his flock. He preached from Isaiah LX chapter, vs 1—3 after which a collection was made in aid of the diocesan school funds. There is a simplicity and an earnestness in the bishop's manner, which is quite prepossessing, which inspire his hearers with affection for and confidence in the man, and then the eloquence of his discourse, his

venerable appearance induced still more so by his age and increasing infirmity, give his words an authority and effect which they might not possess coming from ordinary sources. He has not lost his old quaintness of manner and expression. He spoke of the darkness which prevailed when our Saviour was born, of that which subsequently overspread the world, instancing the case of continental India in particular, and illustrating it by reference to the degraded condition of the females, suttee, and the Juggernath feast, and the flying for remedy to the river Ganges. He last of all alluded to the darkness of the human heart. Talking of a sceptic, he said that though searching for it for fifty years he had never met with a single work containing a clear, logical and conclusive refutation of christianity, and that religion was derided by many who do not understand it sufficiently to be able to raise one valid objection against it. As one inducement to the people to contribute he said that giving to the poor and such objects is one way to increase our gains, quoting the verse about our barns being filled with plenty, and adding to it that our cinnamon and coffee lands and cocconut gardens would yield the more abundantly. In these times of general depression, when every one is in search of means to better his coffee lands, this would indeed be an admirable plan. The observation excited a smile. He again mentioned that this was to be his dying visit. He exhorted us to contribute for care of the bishop and Mr Horsford, whom he should be delighted and rejoiced to see in health pursuing his labours.

Monday, 8th January—Before retiring to rest last night, I resolved upon following from the morrow the arrangement traced out in my entry of the 26th June 1848. But partly from spending a bad night, partly from indolence, I did not leave my bed till near 6, which prevented me from attending either to my English exercise or to my morning recreation. From 6 to 8, however, I continued preparing Philip Mudaliyar's cases, after which I went to see Stewart touching this case, and immediately after returning from him, went to the office.

There I had four trials; two came on, and two from want of time were postponed. In the two that came on, I was in one for defendant with Vanderstraaten (6,210) and the plaintiff withdrew his case, and in the other, I was with Charles Dias (5,608) for plaintiff and got judgment.

I purposed this morning to keep strictly to my course of conduct, but having got up late I could not attend to my English exercises and recreation. About 4 the court broke up, and I lost more than an hour in unprofitable talk. At night I neglected historical reading and Latin. In my memorandum book of twelve things recorded as items of business to be attended to, only three were performed. Such is the desultoriness of my habits, and such my negligence. May I be able to make renewed and more successful effort to-morrow!

Tuesday, 9th January—This day kept myself occupied in the supreme court with some Tuesday cases, and subsequently in consultation with the Master Attendant about poor Mrs. Albrecht, and in writing some letters, and in idle talk. This mode of spending much of my time, particularly with a large accumulation of arrears, is very censurable. In the morning, I got up late—at 6,—and hence lost my English exercises and recitation. At 8 I

attended to Dodsworth's case, which prevented my keeping to my prescribed course of night studies.

It is noteworthy that, though in the supreme court, a busy advocate, and occupying a high position in many other respects, Morgan yet kept up his night studies, and was not above continuing the course of education which is supposed to be finished when schooling days are over.

‘For he, while his companions slept,
Was toiling upwards in the night.’

Herein lay one of the secrets of the success of his life, a fact of which youths generally, and Ceylonese youths especially, should take note.

Wednesday, 17th January.—We had the Cotta case (2,098) in which we tried hard, for a settlement case was given up for that purpose, and the defendants afterwards refused, so that it comes on for hearing on Friday. I would have given up the case altogether, but am apprehensive lest my doing so would only throw the weight of my influence against my client, which it would be wrong in such a case at least to do.

Afterwards a case of Fernando *versus* John Vanderstraaten came on, in which the latter pleaded prescription to an honest claim. I commented strongly on his conduct, which I consider disgraceful.

Thursday, 18th January.—Engaged this day in the supreme court in the defence of the Moratuwa people on a charge of murder. Owing to the witnesses having been all tampered with, there were many discrepancies in the testimony which was thereby rendered very vague and unsatisfactory so that the jury were forced to acquit the prisoners. There can be no real doubt, however, as to the guilt of the men or rather six of them. The court closed at half past 8. Sir Anthony Oliphant delivered a most impressive and eloquent charge, but not a well digested one.

Friday, 19th January.—The Cotta case (2,098) kept us till late in court. In the evening we went to the grand fort theatre, where the youngsters amused us with theatricals. On the whole, the performance was not bad. Returned at 12.

Monday, 22nd January.—Engaged in two trials. In the one with Alvis succeeded, but lost in the other (with O. Dias) from sheer mismanagement. We called witnesses, and then closed without calling other and more important witnesses. Both myself and Dias thought the evidence sufficient, but there is no doubt there was other and better evidence which we did not adduce. We thought Lavilliere was satisfied with the evidence we did call. Must endeavour to get a new trial.

In the evening Elliott, W. Ferguson, and C. Lorenz called to ask me to attend the meeting at the library to-morrow and take the chair.

Sunday, 4th November.—Poor Mr. Davies of the Baptist mission died on Friday the 2nd, and was buried at the Wolfendal church yesterday, Mr.

Palm officiating. He suffered much from the climate, and the immediate cause of his death was an attack of dysentery.

Mr Allen preached this evening a very impressive funeral sermon from St Paul's words, "I would not have you mourn, brethren, &c." After dwelling on the blessed state of the departed, and the comfort which the Scriptures give us as to the prospect of death and on the occasion of our grief at the loss of our friends, he dwelt on the virtues of our departed friend. He said that we were not aware of our loss, which was very great, for it was not easy to get a man like Davies. He lastly delivered a message which the departed saint left with him to be delivered to the people of the Pettah:—

'Tell the people of the Pettah that I love them and am grateful to them, for I have received many kindnesses from them, particularly from the young men. I wished to have addressed them once more, but this is not allowed me. I wished to write a letter to them, but I am too weak for this. Tell them I am grateful to them, that I love them, that I pray for them; ask them to pray and to be reconciled to God.' He added, 'I love them, but they had well nigh broke my heart. I could not do any good amongst them, and was nearly despairing of them. Go you amongst them (addressing Mr. Allen) and may you be more successful. Tell them to be reconciled to God.'

Oh! how it must have grieved that good man's heart that all his efforts, persevering as they were and severe enough to have cost his life in the end, should have been thrown away. I myself have often sat under his ministrations and heard the truth revealed by him with a clearness, force and eloquence that seemed to be peculiar to him and in which he was unrivalled. In this very book, how often have I recorded the truths which I have from time to time heard from him. But what good has it done unto me? I remain hardened as before and unmoved. Oh! may his last parting message, the thought of the pain I gave the good man, now touch my obdurate heart, and induce me to cling to his dying advice to pray and be reconciled with my offended Maker!

At this period, partly owing to the influence of Dr. Elliott, a deacon of the Baptist church, Mr. Morgan was on the point of making a profession of his faith by immersion. From some cause not apparent in his memoirs, the opportunity was allowed to go by, and though attending a baptist place of worship to the last he was never identified with that communion as member. The diary continues:—

31st December 1849.—I observe that for several years past, I have made entries in this book on the anniversary of this day. Each year, however, has witnessed expressions of regret at my bad and indolent habits and has given record to resolutions to lead a new life. The recollection of this is peculiarly humiliating to me this year. Blessings without number I have continued to enjoy, and success in my career far beyond my deserts, but they have not touched me. Not alone, however, through continued prosperity has the Almighty sought to touch my heart and to bring me to a sense

of grace. He has been at last provoked to send me the dark messenger of affliction, the chill blasts of which were raised to pierce my heart. My little home has been invaded, and I miss to-day the smiles of the dear cherub which cheered and blessed us last year. Divine mercy has, it is true, sent in his place another, but oh! so selfish is my heart—such perhaps is the character of a parent's love, that I would I had my dear Johnny too. God forgive me, however, for this murmuring. I was saying that I was visited by affliction too as if to try the effects it would have on me. Has it awakened me, however? For a time indeed I fancied I was grave, and had begun to cast aside the giddiness of boyhood. But soon was the stroke forgotten, and the revolution of time only found me a more hardened sinner. God forbid that this should provoke Divine wrath and indignation against me. Rather may His mercy piece my heart and bring me to a sense of my unworthiness.

My worldly success in business has been undiminished, and this too whilst my deserts have been most unequal.

I have been forced by circumstances to take a more decided stand in politics than I could have wished. The turn the London committee sitting under parliament to investigate Ceylon affairs have given to matters, the publicity which my letters to McChristie have obtained, the necessity for a bold stand here that these entailed upon me, have all added their influence in making me what I should not have voluntarily sought to be—a political character. Lord Torrington, as if to punish me for this, has brought Charles Stewart over the heads of us, making him deputy Queen's advocate. But this will not move me, as it ought not. I will not brag, for I have seen what the end was of many who did brag, but this I will say, that as I am now situated and as at present advised, I do not desire Government employ. The blessings of Providence enable me to find my daily bread in independence, and independence, honest independence, is sweet and delicious. May it continue to give me a competence—

“Not for to hide it in a hedge,
Nor for a train dependent;
But, for the glorious privilege,
Of being independent.”

In other respects I have nothing to complain of or worthy of being noted. Humiliation at the fruitlessness of my past resolves forbid my giving expression to any fresh ones: they should not, however, prevent the breathing of a fervent prayer to the Powers above, that a change, a lasting change, may be wrought in me, such as will redound to my advantage here and profit in the world to come. May my wife and dear children be blessed to me, and may we grow in love and grace striving to promote each other's good.

CHAPTER V.

LAST DAYS OF CITIZEN USEFULNESS.

1850—1856.

THE 'glorious privilege' of being independent was as much needed and was as greatly exercised by Mr. Morgan in 1850 as it had been in previous years. The agitation in the colony continued to rage at fever heat, the miserable exposures of duplicity among men in high office, revealed before the committee of the House of Commons causing a tornado in the restricted circle of society of various grades in Colombo and elsewhere. Mr. Morgan appears very inconspicuous on the public stage, with the exception that one of the most important communications of the period, a letter from Joseph Hume, who championed the cause of Ceylon in the House, was addressed to the energetic young advocate. Second, however, only to Dr. Elliott, whose efforts for the people of Ceylon at this period have never been surpassed in any country by any man, Mazzini labouring for Italy excepted, Morgan had a heavy responsibility on his shoulders from the burden of which he did not shrink. His own justification for the determined efforts which he made is thus stated :—' Sir Emerson Tennent's cupidity in the verandahs question and Lord Torrington's tyranny in keeping martial law in force for many months left me no alternative but to take a very prominent part in politics. Having once entered upon the conflict in conjunction with others, who felt like-minded, I scarcely ate, drank, or slept, until we had succeeded in getting both

recalled, as also Mr. Wodehouse.¹ Whilst labouring for this object, however, the small body of earnest men, comparatively poor and with no influential or monied backing, were ready (in the interests of their country) to take up large responsibilities. An extract from a letter of Mr. T. J. McChristie, who was the London agent of the agitators, will show this, and will also give an interesting glimpse of the manner in which the agitation was carried on. The letter was addressed to Dr. Elliott, but commenced 'My dear Morgan and Elliott,' and contained the following passages :—

'And now as to our *future proceedings*. Matters have proceeded to that stage that the recall of Lord Torrington and Tennent must not satisfy. Lord Torrington must be impeached, and he and (Colonel) Drought at least *tried*. The House of Commons may order this proceeding; it may order the one to be impeached and the other to be indicted, or it may order them both to be indicted in the Queen's bench. If it does the latter, Torrington would in all probability claim his privilege and have his trial removed to the Lords—and in the case of the Commons ordering this, the country would have to pay the expense of the prosecution; this would be a great thing for us. On the other hand, if parliament does not order the impeachment and indictment, *we can indict both* ourselves, and upon every rational view of the subject, my opinion is that that *must* be done—must either be done by parliament or by us. The indictment would probably have to be for murder, burnings, plunder, abuse of power, &c., that may be hereafter considered. I am persuaded we have materials for that *now*. How much more so shall we have facts after the chief justice, Braybrooke, Henderson, &c., are examined? The trials of these men would cost some *thousands* of pounds, and how, if it is left to us, is that

(1) Sir Philip Wodehouse, Governor of Bombay, from 1872 to 1877.

money to be raised? Will you consider this and let me know your views and feelings upon it as speedily as possible? I have talked it over with one old English gentleman, who I believe is *rich* and wishes us every success, but he has no further interest in the island beyond believing it to be oppressed, unjustly used, and wishing its government to be improved. He has told me "if they in Ceylon will raise a good subscription amongst themselves for prosecuting these two men, if the Commons will not do it I will subscribe liberally towards it," and though he did not say so, I have *no doubt* he would get others here to subscribe also. Now we cannot be too soon prepared upon this point, we cannot have our plan ripe and ready too early. It will not do, after we should be thrown upon our own strength by parliament, to resort to this proceeding, to have to wait to correspond between London and Ceylon two or three times (eight or ten months) before we strike the blow. We must be ready if possible to fire on the instant. Therefore, do weigh this well and let me hear from you on it, but pray keep it secret, for amongst other evils, if the least hint of it were to get out, Torrington, Drought, and the Government, would instantly retain all the leading and most powerful men at the bar, whereas it will be a great thing for us to have our first choice of those men.

'Ask Morgan to write to the committee at Kandy giving them such a short and cautious general view of some parts of what I have written to you as he may consider to be safe, and let him say it has been impossible for me to have time to do so, and be *cautious* how you let people there or anywhere know anything that will immediately be sent to the Governor direct, or through S — or —, &c.'

Those at all conversant with the immense amount of work which is required to keep going such a movement as is here alluded to will not be surprised to learn that one

of those who took a large share in it found but little time to keep up daily entries in his diary. Consequently, a great gap occurs at this period in Mr. Morgan's memoranda, extending over nearly two years, the only entry of any general interest being the following, written early in 1850:—

Sunday, 18th January —Attended St. Lucas' cathedral to witness the consecration of my friend Bravi. The church was very crowded.

Never I woen
In anybody's recollection,
Was such a party seen
For genuflection.

The ceremony was as old Roman catholic ceremonies are—very pompous and imposing and quite the thing to take with the natives. The bishop elect is sworn and examined at length; then mass commences, after which he is clothed, and falls prostrate on his face, whilst the litanies are chanted; his head is then wrapped round with a band of linen and his whole tonsure anointed with the holy chrism. Psalms and anthems in the meanwhile innumerable. Then his hands are anointed likewise, his crozier is blessed, sprinkled with blessed water and afterwards put into his hands, a ring is then sprinkled and put on the fourth finger of his right hand, as the symbol of the 'inviolable fidelity with which he must keep the spouse of God, *i.e.* the holy church,' then he receives a book which he touches whilst prayer is being said; he is then kissed by the prelates and his assistants; he then goes to his altar on the side, washes his hands, recites prayer, and returns to the prelate before whom he kneels, presenting him with two lighted wax tapers, two loaves of bread, and two small casks of wine: then mass is gone on with, after which the mitre is put on the head of the elect, the gloves are sprinkled with holy water and put on his hands, he is then raised and placed at the altar on the same chair in which the consecrating prelate sat. After this the *Te Deum Laudamus* is chanted, and during it the bishop elect, with two assistant prelates, walks up and down the body of the church, blessing the assembly. Prayers and hymns succeed, the consecrated bishop gives the solemn benediction to the people, makes his reverence to the consecrating bishop three times kneeling, and singing each time '*ad nultos annos*,' gives him and the two assistant prelates the kiss of peace and then invests himself, when the clergy leave the church in procession.

Bishop Castano Antonio officiated as consecrator, two priests assisted as prelates, and there were lots of priests besides.

Professional success continued, and an examination of his fee-book, carefully kept during his non-official career at the bar, shows an income ranging from £2,500 to £3,000. The acting appointment of district

judge of Colombo was offered to him and accepted. Mr. Lavillier, the incumbent, obtaining leave of absence for some time from illness.

Towards the end of the year, an offer was made to Mr. Morgan of the acting post of Queen's advocate (corresponding to the post of attorney-general in England, with a seat in the cabinet) but it was declined, Morgan preferring to remain independent. The offer was made by Lord Torrington, after he had resigned office but before leaving the scene of his rule, and, judging the noble Lord by what was revealed in the committee room of the House of Commons, was doubtless meant as a bribe to stop the mouth of an able and determined opponent. Refused by one youthful burgher lawyer, the offer was made to and accepted by another, James Stewart, who, in a legal and literary sense, was at least Morgan's equal, but who was never popular. During the whole of the period, when events were passing which must of necessity develop patriotism and a desire to labour for the public good, if a man has any leanings that way, Stewart's name does not once appear in contemporary records as having stirred hand or foot in the popular cause. A word-painting of the young man describes him as being accustomed to spend the greater part of the night lying on the floor with a lamp at his head and heaps of law books within reach, mastering the intricacies of Roman Dutch and other laws, which go to make up the complicated jurisprudence of the Colony. The post of acting Queen's advocate carried with it a seat in the Legislative Council which also Morgan declined in refusing to accept the Governor's offer. It was only, however, for a brief space that he had to forego the honours accruing to a colonial legislator, such as they are, in a nominated assembly.

In a very meagre outline of his career, penned in declining years, Morgan speaks of 1851 as an 'eventful

year in my history.' Such it proved to be. His most important professional success was being retained to defend the deputy commissary-general (captain P.) who was charged with embezzlement. Captain P. ran away after the depositions were closed, and his securities were proceeded against for the amount of their bond, but they succeeded in avoiding it on certain technical objections. The crown appealed, but the decision was affirmed.

Whilst the subject of this biography was absent from Colombo on the southern circuit in August of this year, Mr. Giffening, the burgher member of council, died, at the time when the sittings of the session had just commenced. At once Morgan was selected by his own community and alluded to in the leading paper of the colony as the best man available for the vacant seat. The *Colombo Observer* of the 29th September said, 'There can, we apprehend, be no difference of opinion either amongst the governing class, or the governed, as to the direction which the choice of a gentleman to succeed the late Mr. Giffening in Legislative Council should take. Assuming, of course, that the vacant seat will be occupied by a European descendant, the universal voice would name Mr. R. F. Morgan, advocate, as the fittest person, as the one man fitted for the post, and in his absence, steps have at once been taken to let the Governor, Sir George Anderson, know upon whom the suffrages of the people would be conferred, were the privilege of voting possessed.'

A petition was sent to the Governor submitting for His Excellency's consideration 'the name of R. F. Morgan, Esq., advocate of the supreme court, as that of a gentleman, who, by his ability, learning and independence of character has gained their (the burghers') confidence, and who would, they believe as a member of the Legislative Council, do equal honour to your Excellency's choice and to the people's recommendation.' The

address was signed by nearly four hundred members of the burgher community. (The full text of the address with the names of those who signed will be found in the appendix to Vol. II.)

At first, on the suggestion of Dr. Elliott, it was intended to hold a public meeting, in the Pettah library, to advocate Mr. Morgan's candidature, and notices were issued, but they were afterwards called in and no meeting was held. Even such thick-and-thin supporters of the Government as the brothers Stewart¹ were agreed that no better choice could be made, but, said one of them 'He is a great Elliott's man, and must turn over a new leaf if he is elected.' Some opposition was threatened, and there was talk of a memorial begging that Dr. Misso might be appointed to the vacant chair, but that gentleman, for want of backbone in more than one crisis, was discredited amongst his fellows and the proposal resulted in nothing. Friends were very confident of the result, even when Dr. Misso's prospects were most hopeful, but Morgan himself anticipated effectual opposition amongst certain of the Governor's advisers. He was not long left in doubt, for, whilst the memorial was being signed, he received a letter from the Colonial Secretary to the following effect :—

COLOMBO, 30th September, 1851.

MY DEAR SIR,—The Governor having decided on appointing Mr. Darley to be permanent member of the Legislative Council in the vacancy occasioned by the lamented decease of Mr. Giffening, a seat in the council still remains vacant during the absence on leave of Mr Swan. His Excellency has empowered me to offer to you this acting appointment, the duties of which he doubts not you would fulfil in the most satisfactory manner, but as I do not know how far it might be agreeable or convenient to yourself to enter the Legislative Council as a temporary member for the present, I have preferred addressing you thus privately on the subject before making to you

(1) The Stewarts rose to high office in Ceylon. The career of James Stewart will be found described almost immediately. Charles H. Stewart became senior puisne justice, and, for a short time, acted as chief justice. He was made a Companion of the order of St. Michael and St. George, and, in June 1878, was offered the chief justiceship of the Straits Settlements, an office carrying knighthood with it. The offer was, however, declined.

any official communication. Should you feel disposed to accept the offer, I shall have much pleasure in taking the usual steps and seeing you at our council table at our next meeting.

I remain, dear Sir,

Yours very truly,

C. J. MACCARTHY.

Mr. Morgan consulted several friends as to the propriety of his declining the offer on the ground that His Excellency the Governor had no right to give away Mr. Giffening's seat to an Englishman, and that, therefore, he (Mr. Morgan) could not act for Mr. Swan. All who were consulted—(Messrs. Smith and O'Halloran, several other merchants, Messrs. Ferguson, Elliott, Swan, J. B. Misso, C. A. Loos, and James Stewart) thought with him that he should not accept the acting offer. He also saw Mr. Darley before he did anything and communicated his views to him. Mr. Darley (as true and thorough an Englishman as the colony ever knew) admitted the force of what Mr. Morgan urged but greatly wished he would accept, and wrote several 'chits' to that effect; one among them was this:—

1st October, 1851.

MY DEAR SIR,—I have really felt so much disturbed by what you said this evening, and I should so exceedingly regret that any considerations prevented you from joining the Legislative Council that I write a line for the sole purpose of endeavouring to persuade you to accept office. It is equally important to every portion of the inhabitants that so good and able a man as you are should be in a position to influence matters in a right direction, and I do not think that you should let any minor considerations prevent you from taking the opportunity that is presented, even though it is not precisely as you desire. If any concession on my part will help the matter, I should not be disposed to withhold it, but I feel certain that if you enter the council now, your services will be of such a nature as to ensure you the first permanent appointment that falls vacant. My impression is that your presence in the council is more important at this moment than it may be for some time to come. I do therefore hope you will come on. I am not altogether unselfish or disinterested in the advice. I am urging you, because of feeling my own slender qualifications. I look forward with pleasure to the opportunity of co-operating with you.

Believe me,

Yours very sincerely,

(Signed) E. J. DARLEY.

In the meanwhile, Mr. MacCarthy's letter had been answered in these terms :—

COLOMBO, 1st October, 1851

DEAR SIR,—I beg to acknowledge the receipt of your letter of yesterday's date intimating to me His Excellency's decision to appoint Mr. Darley in the room of the late Mr. Giffening, and offering me a temporary seat during the absence of Mr. Swan.

I should have been most ready and indeed would have felt myself highly honored by being selected in the room of Mr. Giffening to fill the seat which ever since the establishment of the council was devoted to and occupied by one from the class of European descendants, but I regret that I do not feel myself prepared for a mere temporary vacancy to make that sacrifice of time and attention which the correct discharge of my duties as member of council would demand of me.

Thanking His Excellency for the honor done me in making the offer,

I am, &c.,

The Hon'ble C. J. MacCarthy, Esquire.

R. F. MORGAN.

The answer Mr. Darley received was that the 'acting' offer had been promptly declined, that the step whether for good or for evil had been taken. Mr. Darley was most anxious that his friend should obtain a seat in the council, so anxious that he himself called upon the Colonial Secretary and withdrew his claims for the permanent seat. He subsequently went to see Mr. Morgan, but, not finding him at home, wrote a note in which he expressed regret at the decision arrived at, and begged for a meeting in which the matter might be discussed in a friendly way.

The firmness displayed by Mr. Morgan in the interests of the burgher community was rewarded with success, for almost immediately after Mr. MacCarthy wrote a semi-private note to Mr. Morgan as follows :—

COLOMBO, 1st October.

MY DEAR SIR,—I received your note of this morning and communicated its contents to the Governor.

His Excellency felt that the great difficulty in the way of making your appointment a permanent one was the promise held out to Mr. Darley that his temporary appointment should be confirmed on the first vacancy, a promise which His Excellency was, of course, bound to fulfil.

The difficulty on this head has, however, since been removed by the spontaneous and very handsome offer of Mr Dailey himself, who, understanding that your nomination permanently to the council would give satisfaction to a large proportion of the inhabitants, has begged to decline in your favour the preference which the Governor felt bound under the circumstances to give to him

I have therefore now to offer you a permanent instead of a temporary seat in the council, and on your signifying to me your acceptance of the same, will give the necessary instructions

I remain, dear Sir,

Yours very truly,

R F Morgan, Esquire.

C J MACCARTHY

Of course, such a handsome offer could not but be accepted, and in the letter of acceptance the writer said, 'I regret that Mr. Darley should have had to give up his claims, but I think His Excellency will do me the justice to believe that in what I did, I was only actuated by a sense of duty.'

As legal business was on the 'order of the day' for the 2nd of October, Mr. Morgan took his seat before the warrant of appointment was ready. Until this was ready, the oaths of allegiance and of office could not be taken, and business was delayed for a time. Eventually the warrant was forthcoming and the legislature proceeded with its duties. A melancholy interest attaches to this meeting of the council. Pitted one against the other, on official and unofficial sides of the house, were two youthful burgher lawyers, both under thirty years of age—James Stewart and Richard Francis Morgan. The one was leader of the bar of the colony, the other first in the unofficial (Ceylonese) community. They had been rivals at school, where Morgan (through favoritism on the part of the master, Stewart alleged) achieved most distinction. At the bar they seldom or never found themselves engaged as brethren in a law suit, but always on opposing sides, and now they found themselves face to face, still opponents, on the floor of the legislative assembly. Stewart, though only 'acting' Queen's advocate, was

ambitious to initiate certain legal reforms, whilst the new Governor was equally anxious to signalise his first session with measures of importance. The bills had already been read a first time, and the second reading was fixed for the day when the newly selected burgher member was to take his seat. Morgan criticized his friend's measures with some severity, and noticed that, whilst doing so, the acting Queen's advocate turned pale and seemed distressed. Fearing he had unwittingly in the warmth of debate wounded the *amour propre* of his friend, Morgan brought his speech to a hurried conclusion. It was then found that, not the sharp thrusts of criticism, which he feared as little as most men, but the severe attacks of deep-rooted disease had caused Stewart's agitation. He was conveyed from the council chamber to his house, was found to be suffering from disease of the heart. He lingered for six weeks and then died.

Twenty-six years after, on the anniversary of James Stewart's death, Sir Richard Morgan penned the following remarks on his early friend's decease. 'Stewart was buried with military honours, minute guns being fired as his body was being conveyed to the grave.' Some years after Stewart's decease, in allusion to the death of his friend, Morgan wrote: 'The death of my poor friend was very disastrous to me. I became first in nearly everything, had most things my own way, did not labour so hard as I had done before, as there was now no necessity, in short, I rapidly became fat and lazy.' In consequence of Stewart's death, the money bills were hurried through council, the legal bills were withdrawn, and the session brought to an abrupt termination.

Whilst generally appreciated, Morgan did not take his seat as burgher representative without some opposition, especially from the *Times* and *Examiner* newspapers, journals which had supported the Government through-

out the troubles of 1848-49; with sneers, they wondered what the former Government would say at the appointment, and what Lord Torrington would think. This opposition, however, did not serve to detract from the fair fame of the rising lawyer, but as the spots in the sun serve to bring out with greater force the brightness of that luminary, so the detraction to which Morgan was subjected served as a foil by which his virtues became more conspicuous.

One of the few prizes open to Ceylon lawyers fell into Morgan's hands soon after James Stewart's death, viz., the post of standing counsel for the Oriental Bank Corporation, on a yearly fee, besides fees for each particular case conducted or piece of advice given. Soon afterwards he was similarly retained by the Chartered Mercantile Bank of London and India, which had a branch in Colombo.

In 1853, he suffered from serious illness, on recovery from which, the immediately succeeding remarks were penned:—

'26th July.—Unstable as ever and unsteady in everything, years have elapsed since the last entry in my diary was made, years too of no ordinary importance. I purpose re-writing a great portion of my journal in a more collected form, recording every incident of my life of any moment. Such an entry may be useful to my dear children when I am no more, showing them the rocks upon which I was well nigh splitting, and the means I have enjoyed of doing good.' [This resolution was never carried out, save in a most meagre manner in 1875.] 'Leaving a space for this purpose, I shall proceed at present to make a few entries of certain recent events:

'I have just recovered from a protracted and dangerous fit of illness. I was acting as district judge for Mr. Temple all April and May, and the rainy weather usual

in May brought on a severe cold and cough. I felt asthmatic symptoms, and consulted Drs. Prins and Dickman who thought I had spasmodic asthma for which remedies were applied. I got worse every day. I was cupped and leeches, but to no purpose, and quite confined to my room from the 3rd June, when I ceased acting in court, Mr. Temple having returned. Dr. Elliott examined my chest with a stethoscope and discovered that I was labouring with pneumonia in the lower part of the left lung. I was bled copiously, and leeches severely, made to swallow large doses of tartar emetic, and put under a course of calomel which brought on speedy severe, very severe, salivation. My tongue and mouth were covered with sores, and I was wholly disabled from taking anything like solid food for weeks. I continued very ill for about a month—was removed for a change (on the 13th June) to the house of a friend in Marandahn, and remained there till for a time when I returned home. It would be tedious, and perhaps unnecessary, to enter into details. Suffice it to say that my medical men (Elliott, Prins and Dickman) whose attentions were unremitting, at one time thought I was in imminent danger of my life. An abscess burst; it was thought that the disease had reached the third stage of purulent infiltration, and that it was spreading over the left lung. Thanks be to that Providence, however, who has favored me with mercies from my youth upwards, in spite of my great unworthiness, I was spared yet awhile. I hope and pray the visitation will be productive of good. I shudder at the thought of the danger I have escaped. What if I were called in my state of unpreparedness, in the midst of my manifold transgressions. Oh! the agony of being suddenly called to render one's account! What could I say of the talents I have prostituted, the opportunities I have lost and abused, the warnings I have disregarded? How could I have left my dear wife and my darling children

without any hopes of ever meeting them again, for, oh! how could I desire a meeting with them hereafter, knowing that eternal perdition was to be my lot.

‘A merciful God has, however, blessed the means used for my recovery and spared me. May His grace be extended towards me and fill me with love and gratitude to Him, may it enable me, through the mediation of my beloved Redeemer, to repent truly of my sins, earnestly purposing to lead a new life, with a steadfast faith in His mercy, and to be in charity with all men. Whilst thankful for the mercy shown me, and that I may yet enjoy and profit by the means of grace and the hope of glory, may I so live as to show that I indeed feel that it was good for me to have been afflicted that I might learn the Lord’s will. “Let it alone this year also,” may not be again said of me if I continue to cumber the ground.’

During this year (1853), a very handsome offer was made to Mr. Morgan by Sir George Anderson, which is thus described.—The Governor expressed much sympathy during my illness and made frequent enquiries. I waited upon him therefore this day (26th August) and had rather an interesting conversation with him. His Excellency mentioned that Mr. Stark had sent his application the day before, praying to be allowed to retire on the score of ill-health. I mentioned that it would give an opening to Mr. Temple, in which he concurred. He said other vacancies would also take place shortly in the supreme court. I added that Mr. Selby would also be expecting to mount the bench. His Excellency added that when this took place he would be very glad to see me appointed Queen’s advocate, and would gladly do what he could to gain this object. I expressed my thanks, of course, but added that I was very fearful that if such were His Excellency’s intention he would not have an opportunity of serving me. He wanted to know why.

I explained to him that the office of Queen's advocate was always conferred on English barristers, and that the discussion which took place owing to Mr. Selby's appointment in the course of the parliamentary investigation on Ceylon affairs was calculated to induce greater jealousy on the part of the ministry in seeing that the appointment was confined to the English bar. I added further that it might not be perhaps deemed expedient to confer an office so eminently confidential on a colonial man. His Excellency replied that he could not quite go that length with me, and that as respects the objection against colonial men, it was unfounded. Poor Stewart gave sufficient evidence of what colonial men were fit for, and His Excellency had no doubt but that I would be fully equal to the office, in many respects better than an English barrister. He went on paying me a handsome compliment. I added that, of course, I was but too grateful to him for his kind intentions, and hoped he would be able to serve me, and that I was more anxious to get into place after my recent illness than I was before it. I begged leave to add, however, (and I was encouraged to do so by what His Excellency said) that I still thought he might serve me effectually in another way which did not present so many objections as surrounded the office he proposed to confer on me. His Excellency said that he could not see the difficulties which I did, but, of course, would be quite ready if he could serve me in any other way. He added that he unfortunately thought ill of our bar from all he had heard and seen about its members, but for that very reason he would feel it his duty to advance my interests, entertaining the opinion of me that he did. This was his usual day for visitors, and I saw that I ought not to remain much longer, and not wishing to enter into a discussion as to my anxiety to obtain the district court judgeship, which might have rendered it necessary to explain why

I thought the place should not be conferred on a man in the service, &c., &c., I asked permission to state my views in writing. He replied 'Certainly,' and wished me at the same time to give the *pros* and *cons* as to the probability of my getting the office of Queen's advocate. I said I would do so. He then said that I should bring the thing before him at the very time when an opening existed, when I thought he could secure me the offer. He was besieged with applications and, therefore, I should not fail to let him know exactly when the time came that he could do then something for me, and that I might depend on his anxiety to serve me at all times. A desultory conversation on other matters ensued, and I bowed and retired.'

The Legislative session of 1854 was a noteworthy one in Ceylon annals, and, by the doughty deeds he performed, Morgan showed the sterling stuff of which he was made. Minor courts for the punishment of offences and for the recovery of small amounts, police courts and courts of requests as they were termed, were established. A bill, dealing with the fixed establishments of the colony, was before the House, and the opportunity was taken to endeavour to sever the connection between church and state. As a lawyer, Morgan's ability and experience in regard to the first named measure was of great service, whilst in regard to a 'free church in a free state' his enlightened christianity proved to be not less servicable.

On the 30th of August, whilst the House was in committee on the bill 'to make further provision touching proceedings in police courts' the burghor member moved the insertion of two clauses, as follows:—

'Every person on trial in any police court shall be permitted to defend himself either personally, or by an advocate or proctor. And the said police courts may allow any prosecution to be conducted by an advocate or proctor. But nothing herein contained shall be deemed

to dispense with the presence of any prosecutor or defendant.'

'All advocates and all proctors entitled to practise in the supreme court shall be allowed to practise in any police court; and all proctors entitled to practise in any district court, shall be allowed to practise in any police court within fifty miles of such district court.'

In support of these Mr. Morgan spoke for an hour most felicitously and most effectively. So much so that at the close of the speech, after the motion had been seconded and briefly spoken to, the colonial secretary moved an adjournment for a week 'to give time to consider in detail the arguments so ably stated by the honorable and learned gentleman (Mr. Morgan).'

During the interval much interest had been excited in regard to the suggested amendments, and when the council met after adjournment, petitions from various parts of the country, but particularly from Moorish and other traders, were presented in support. Upon the resumption of the debate some excellent speeches were delivered, and at length Mr. Morgan rose to defend the clauses he had submitted. The speech is a very good one, [readers will be able to judge for themselves as it is included in vol. II.] and is thus borne testimony to by one who listened to it:—'Mr. Morgan especially rose with the occasion and convinced all present that he was not only a learned man but a ready man, a perfect master of fence, and his reply was a splendid specimen of extemporary intellectual gladiatorship. — had made a mistake, and Mr. Morgan 'did not fail to take advantage of the error. The retort was polished but frightfully keen.' More than that. what is very rare in debating assemblies, the speech was convincing and influenced at least one vote, for the *Colombo Observer* of that date says that Mr. Saunders went to council with prejudices against the amendment but deter-

mined to hear and decide. He listened, and after Mr. Morgan's speech, was convinced. When the division took place the numbers on either side were equal and the Governor, after considerable hesitation (after waiting twenty minutes, and considering the whole while, one record states) said, 'I am called on to give my casting-vote. I give it against the amendment.'

Nothing discouraged by this result, Mr. Morgan moved another amendment, viz. that 'authorized agents' (no person being deemed an 'authorized agent within the meaning of this ordinance except an advocate or proctor') have the privileges mentioned in the previous motions. Practically this proposal was the same as that which had just been rejected. This amendment was carried, the Government agent for the western province voting for it, and turning the scale in favour of the opposition. The victory was an important one, and was gained almost entirely by the splendid abilities of one man, and that man the burgher member of the council.

The debate on disestablishment was a feature of this session. By common consent, the most powerful speech in respect to argument (in graceful flowers of rhetoric it had to yield to one other) was that of Mr. Morgan's.¹ Only by the barest possible majority was a victory on this question secured for the continuance of grants from the general revenue in aid of religious teaching and worship.

In December 1854 entries in his common-place book were resumed by Mr. Morgan. On the 4th of that month, a long and not unimportant entry appears, which runs thus:—

'A perusal of Hanna's interesting memoirs of Dr. Chalmers has impressed me again (I hope the impression will not prove a transient one) with the impropriety of

(1) This speech appears in volume II.

not continuing regular entries in my diary. Such entries as the Doctor used to make, as well of passing events as of the trials to which he was subject, and in particular the agitations of his mind, awakened him to a sense of the danger which surrounded him and could not fail to prove interesting in after life. With Divine aid, the same thing may prove profitable in leading me to a sense of the error of my ways.

‘I must trust to time to bring up arrears; I begin as with the present.

‘Up at 6, spent a portion of my time in gardening; then writing an answer for the *Observer* to the dastardly attack made on Darley in Friday’s *Times*. A very worthy man is Darley. Would that I and all the members of council were as clear-headed, as pure and good-hearted, and as liberal-minded as he undoubtedly is. Then consulted with Darley and Prins about cases. Hurried to the court where I was engaged in a resumed trial from Friday, *Cross v. Another*. I think our’s the honest side, and, acting on my own responsibility, did not call evidence for defence. Judgment postponed, but must be for our side. Came home at 4. Studied case for opinion on *Wilson v. Madras Mortgage* question. Whether bankruptcy in Madras will affect judgment and execution (upon special mortgage) for land here. Spent evening in reading *Observer* and *Quarterly Review* for September. *Observer* has a bad and ungenerous article on the school commission, particularly the attack on Mr. Boake; the article was very bad.

‘5th December.—No district court to-day, Lavillier pleading indisposition. Judges of supreme court not ready in my interlocutories, so had only a paltry police court case. Returned early and employed myself in arranging papers and answering letters. Reading Chalmers also.

‘6th December.—Went to council and heard, after I got

there, that it was postponed owing to the illness of Mr. MacCarthy and the General. Not sorry, as I want to get a little speech ready for the church question. Had a chat with Messrs. Gibson, Selby and C. P. Layard, regarding the school commission. The first admits the defect of the present board, but predicts much greater evil from a single man. I argue that everything will depend on the choice, and there will be little help if he proves a bad one, whereas there is not equal danger in a board.

'Came home early after seeing F. and having chat respecting the *Times*' shameful attack on Darley and A.'s taking upon himself the imputation of breach of confidence. It is thus "conscience doth make cowards of us all." In the evening chatted with —, and read the *Examiner* and finished the last *Quarterly*.'

Early in 1855, the sufferings of the allied forces in the Crimean war attracted attention in Ceylon as elsewhere in the British dominions, and a patriotic fund meeting was held in Colombo in the proceedings at which Mr. Morgan took part. Sir Charles MacCarthy made the best speech, but for oratorical display he was run very close by Mr. Morgan. At this time Morgan's correspondence was marvellously large and continued so till his death. In the following year his communications must have been enormous, for over thousand letters dated '1856' remain, all of which required and seem to have received answers. Naturally, the major portion of them related solely to business, fees, cases in appeal and the like, but many contain records of kindly acts, such as an acknowledgment from the (then) chaplain of Trinity, for the aid rendered in obtaining him that post; others from the head master of St. Thomas' school, acknowledging receipt of fees for some scholars whose payments, through unexpected poverty, had fallen into arrears, and another from Edinburgh in which an offer of pecuniary assistance was respectfully declined, whilst a position in

the educational establishment, which had been obtained, was thankfully accepted. Amongst the letters received worthy, from intrinsic merit and graceful bye-play, of quotation, are some from Mr. C. A. Lorenz, then on a visit to Amsterdam. The first is as follows :—

AMSTERDAM, 2nd March 1855.

MY DEAR MR. MORGAN,—You must make all due allowances to a poor fellow who has been knocking about Europe at a most bewildering rate for some time, and who, in addition to the annoyance of not being able to keep up his correspondence, has to put up with the additional vexation of having passed some of the most notable places without seeing anything more remarkable than a few cannons and few church spires and a couple of old women or so,—wife being reported sick at Amsterdam, and the utmost despatch required. Wife, however, being herself again, and the fire lit, and the kettle boiling, I 'write you these few lines hoping yourself and family are all quite well, as this leaves us here.' I have had no letter from you, although by last mail no less than seven despatches poured down upon my devoted head, each one containing a full and detailed account of poor B.'s misfortune 'Mrs B died from poisoning administered by a relative, who was hanged for it,' in addition to which I have had this day, after both E. and myself thought we had got over the shock pretty fairly, a tremendous letter from a friend in London, enclosing a slip of the *Observer* of last mail, containing another detailed account and sent up to me with an endorsement in large round hand, warning me to take care how I break the dreadful intelligence to Mrs. Lorenz. I respect B. very much, and regret his wife's death very much indeed, but I confess, I can't stand this—and all this preface I have written, in order to shew you that, however welcome a note from you would have been at any time, one at the present crisis, containing, as I am sure it would have done, another *detailed account* and embellished as it would have been with your famous black borders, would have been a decided nuisance. So 'I am very much obliged to you, all the same'

When last in London I could hear nothing about Ceylon, with the exception of Sir H. Ward's appointment. I called on Sir Anthony Oliphant, who said that in case the Government here are willing to employ me, he would give me a character. Perfect good nature in him, for he knows as much of me as the man in the moon, judging from his having talked to me for half an hour, as the son of his respected friend Baron Lorenz of the Cape of Good Hope. But things begin to look blooming for Ceylon, I should say, for Lord John Russell is the secretary for the colonies, and Austin Layard, under secretary, and these two wisacres may be able to knock out something excellent between them. If you can find in any of your books that professional judges are mentioned in *Magna Charta*, don't fail to refer to it in your next petition: it will go down like shot with Lord John. You could tell Austin Layard that the great bull with wings at Nineveh was a type of a lawyer, and refer to the ancient Assyrian custom of tarring and feathering lawyers as a proof of the circumstance. With two such facts, you will be able to play the very mischief with all the civil service.

Coming back to myself by an easy descent from the last two celebrities, I must, in strict confidence, tell you that I am quietly going to slip in a memorial on my own behalf, and I dare say with the assistance of the old judge, who knew my father, the Baron, so intimately at his castle in Bloem Fontein, may be able to get a hearing. If so, and if my memorial is referred to Ceylon, will you stand my friend in return for all I have done for you in England (ahem) and put in a kind word here and a kind word there for me? You will be Sir Henry Waid's right hand man, I dare say, and a hint from you will suffice—item, a wink to MacCarthy, who may remember me as the very efficient secretary of the Colombo Athenæum, and a great admirer of his handsome lady who always sat opposite me at St. Peter's.

Sebastopol is not taken yet, but will be. The king of Holland is a nephew of the old villain Nicholas, and all the people here are Prussians. But the king of Holland has been and committed a dreadful murder (so they say) on an adjutant Borell down at a brothel in the Hague, and *Asmodier* (the Dutch *Punch*) has come out strong on the subject. I have made a note of it for future use against precocious Dutchmen, who would argue on matters which they have no concern in. What a precious set they have, to be sure, with the Czar, the king of Prussia, his murderous majesty of the Netherlands, and Lord Clanricarde in England.

Jenny Lind sang here last night, but as fate would have it, we could not go. She sings again on (as announced in German) *Sonnabend*, and Mrs. L. wishes to settle the question first, whether *Sonnabend* means Sunday evening or Sunday eve, preparatory to making up her mind. I am anxiously awaiting the result. Sunday concerts and bal masques are all the go here.

(From the same to the same)

AMSTERDAM, 10th March 1855

Thanks for your efforts about Voet. I have this moment received via Southampton a note from our esteemed friend, your brother, who says the book is not out as yet. I got out 150 pages of it in three weeks; and A. has not done half a dozen for three years. I shall, I expect, sit down with unutterable glee, on my return, to correct the proofs at the same place I had given up some three years ago. Vanderlinden I have begun, and perhaps would have finished, but for my long trip last month to England. I had begun at page 95 and am revelling in the delightful mazes of Namphosceval on page 206, but to make the thing complete, I shall have to pick out bits here and there about jurisdiction and conflict, &c in the previous pages, which you know are useful. You will be pleased to hear that I translated half a dozen pages at a run without referring to a dictionary, and things have come to such a pass that my wife actually laughed outright a few days ago, as she found Bredin and myself gravely conversing for nearly half an hour in good (?) Dutch—I can sing half a dozen street ballads, can initiate all the street cries, can read the *Courant* quite seriously, and can, if I choose (but I don't) swear in a manner perfectly horrible. But with all these advantages, I am afraid I can't finish the book before I leave England. Another book is over. Index, preface, dedication and all. The index is a perfect masterpiece as you will see. I have now only to see the revise, and you will have it by a mail or two. We heard Jenny Lind on Saturday last, and her husband,

Herr Goldsmidt ; they were both very good Two years ago I should have been able to write you three pages of description on the subject, but I am now thoroughly used up, and nothing short of a new edition of Grotius will startle me

A third letter was as follows:—

KENSINGTON, 24th June 1855.

MY DEAR MR. MORGAN,—I have most carefully perused the Rajawalla case as reported in the *Observer* according to your advice, and feel quite refreshed after it. Mr. Temple told me that he was retained for the O. B. C. in the case, and I promised to see him as soon as he should get his brief. I am quite sorry that all my books, nearly two-thirds of those mentioned in V. d. Linden's introduction, are shipped and gone or I should have been able to make myself somewhat useful, for you have no idea (oh ! by the way, I should not speak that way though, I was going to say, you have no idea how much law there is in the *Hollandscho* consultation and in Lorrinc and Vander-Berg but, of course you will excuse, me) At present I have the *Jud. Pract.* a good edition of the corpus (legenvair 1681, and V d Linden's supplement to Voet, and I shall have a look at them as regards the right of one executor to sell, and the force of promises and so forth, and if anything turns up, Duff shall have the benefit of it. I say, Mr. Morgan, won't we have a go at first class plantation (six bags to each of the defendant's counsel) as soon as we have licked them in the Privy Council, with plenty of cream and loaf sugar, and a wee bit of cinnamon to give it a flavour ?

As regards my return home, things don't look very prosperous, I met Sir Anthony Oliphant some time ago, who told me I should go a second time to Downing street and interview the—under-secretary, and I dreamt that night some incoherent dreams about Colt's revolvers and a quaking Irishman fainting into a basket of waste-paper, and afterwards hanging himself to a lamp post in Downing street with a bit of red tape.

I got a letter one morning which nearly frightened Ellen out of her wits, having a large black seal with the Bedford arms and with motto (*the savva savva*—or "key Sarah ! ' Sarah,' " as Mrs Harris said to Mrs. Gamp, when she asked her for the latch key) and the ominous words "J. Russell" at the corner. I opened it and found a piece of red tape carefully worked up into the form of letter, which when combined into words read as follows : "dem colonial fellah ! don't know you ; speak to the guvner about ye. Vewi sorry to say so"—and in the meanwhile the late chief justice of British Guiana quotes my book in a case before the Queen's Privy Council and gets judgment. So let B. do his worst, there are relics of joy B. dreams of that council which he cannot destroy, which augur a name that shall fondly be sung long after B.'s dust shall have stopped up a hole.

The old Governor has not arrived in London as yet. They say he is all wrong in mind and body, cut up at his own bad management in Ceylon, and desirous of drowning his sorrow in the cheap wines of the continent. I don't believe it. I think a Bengal civil servant ought to be proof against such maudlin sentiment. I saw L. some days ago by accident at Notting Hill. He spoke of Beling's children, whom his friends are willing to send to England. When are you going to send yours ?

Do you read the debates in the House of Commons? They are very exciting at the present moment. The allied forces have stormed Malakoff and been repulsed with considerable loss, which they are expected to pay off with compound interest when they get at it next. The attack took place on the 18th of June unhappily enough. The massacre at Hango will play the diable with the Russians when the allies next meet them. We have often discussed the plan of going to the Crimea, wife and I, one by enlisting as a soldier or a navy, and the other as a nurse under Miss Nightingale. I am only afraid of the shock it would give Lord John and the whole colonial office.

It is summer at present, and with a vengeance. It is sometimes warmer than the warmest day I remember in Ceylon, and by way of making up, it is sometimes cold enough to make one's teeth chatter all at once.

The Rajawella case alluded to in the first paragraph of the last quoted letter was a *cause célèbre* in Ceylon. A coffee estate of large extent and great value was the bone of contention between certain executors of the original (then deceased) proprietor. Money for the upkeep of the estate had been advanced by the Oriental Bank Corporation, and eventually, in satisfaction of claims from the bank, the estate was put up for fiscal's sale and sold. One of the executors, Mr. Lindsay, on his return from England, where he had made financial arrangements, was startled to find that the estate had been seized. Proceedings for recovery were immediately commenced, and Mr. Morgan, with the Queen's advocate, was retained for the bank. Leading on the other side was Mr. Morton, an advocate from Calcutta. On the day that Mr. Morton was formally sworn as an advocate of the supreme court, Morgan's mental comments, as he witnessed the proceeding was, 'A fine intellectual looking man. I cannot furbish my weapons too keenly.' The trial took place in the district court of Kandy, and occupied a great many days in hearing. On his speech during the course of the trial Morgan was highly complimented by his own leader, Mr. Queen's advocate Selby, and generally was considered very successful. The case was one in which he had taken a great deal of interest, and for the accomplishment of which he had exerted all his powers. Consequently, when the proceed-

ings of the day were over he was completely prostrated, fits of vomiting occurring at intervals till late in the evening. The attack, however, was only of short duration. Judgment was given ten days after in favour of the bank, but was appealed against, confirmed in the supreme court, yet once more put in appeal and sent to the Lords of the Privy Council, where we shall afterwards meet it.

A battle which had been raging for twelve years was decided this year, and victory secured in the person of Morgan, which contributed to bring him more prominently before the public than he had hitherto been. On one hand were ranged the members of the civil service, with the *status quo* on their side,—the ‘thing that is’ is a more powerful ally than can be conceived by those who have not resided in a despotically-ruled country,—contending that civilians only should occupy the post of district judges. Arguing to the contrary were the members of the bar and British merchants, an unusual combination, urging that only professional judges should, at least, sit on the bench of the chief court of original jurisdiction in the island where great shipping and mercantile interests were often at stake, and which trained and experienced intelligence alone was able to cope with. In 1844 the conflict began. In 1856 it was over, and the party of progress had won. Towards the end of 1855 a new Governor had arrived, a liberal politician, a whilom member of Parliament, a man of great physical activity and much energy. Sir Henry Ward’s coming galvanized the sleepy hollow which the island had become under the kindly but fettered and unambitious sway of the Bengal civilian who in decrepit old age had been sent to rule the colony. The island was refreshed and brightened by the new Governor’s coming, as a fresh healthy breeze in a long closed room drives away malevolent odours and disturbs long quiescent dust.

The existing incumbent of the Colombo district court bench had given notice of retirement, and in July Sir Henry Ward 'sounded' Mr. Morgan as to whether he would accept the soon-to-be vacant office. With his large practice at the bar acquiescence would involve large pecuniary loss to Morgan, whilst, on the other hand, to a Ceylonese lawyer the prospect which was exhibited, for the district court was a stepping-stone to the supreme court bench, was most alluring. Furthermore, there was the consideration to be met and faced that, in accepting judicial office with the paths opening out from the particular line to which he was drawn, Morgan was turning back upon himself and upon his career of independence of which he had not long previously been very proud. The radical principles in politics, too, which had been so dear to him must now be thrust in the background, as, even if cherished in his own breast, they could not be introduced into the council of the sacerdotal caste of officials, who rule England's crown colonies, arriving from the home country for this special purpose. Democratic tendencies and popular aspirations cannot live in such an atmosphere. The high priests of political state-craft are as little tolerant of popular movements and democratic reformers as Roman infallibility and Jesuit priests are of men thinking for themselves in the matter of religion.

All this must have pressed upon Morgan's mind with unwonted force, as he sat cogitating within himself as to the course he should adopt. Only a little time before, an attached friend, Lawrence Oliphant,—who has since made a name for himself as a *litterateur*, *Times*' commissioner, diplomatist, and in other ways—had written to Morgan, 'I am as great a radical as ever, and I hope you stick to your colours.' Mr. Oliphant, as private secretary to his father, the chief justice of Ceylon, had been a warm friend and earnest counsellor to 'tho opposition' during the difficulties and troubles of 1848-51. He

entertained so lively a recollection of that troublous time that he subsequently wrote, 'I shall be very glad to hear from you whenever anything agitates the community.' Whilst there was all Morgan's past history to restrain him from accepting office, whilst this solitary voice from England was ringing in his ears, calling upon him to remain faithful to principles which had fascinated his early youth and in the promulgation of which he had gained great glory, a strong current had set in the other way. First and foremost Morgan was (though he would not admit this to himself) anxious for office, and in this he was only faithful to the aspirations of every member of an Asiatic community in a state of society where the *only* avenue for advancement is in official ranks and by favour of the king and his counsellors. Independent advancement was unknown, and in the Ceylon of 1800 to 1860 independent careers were only in a nascent condition. It is, therefore, scarcely matter for blame, though it may be occasion for regret, that Morgan, in the freshness of his yet early manhood—he was now thirty-four,—should yield to this influence, and, as he phrased it in a letter to his English friend Darley, 'take the shilling.'

Yet stronger, however, was the pressure brought to bear upon him from the outside. The bar, who saw in Morgan's appointment the securing of a triumph they had fought strongly to obtain, urged him to accept office, his English friends with whom he had been banded in the constitutional struggle with the authorities saw no objection to his taking office; the European merchants, who had allied themselves with a class of whom, generally, they speak in terms of anything but cordial approval, to secure a professional judge on the Colombo district court bench, thought it was Morgan's duty to accept the offer, and told him so, while, strongest of all, the Ceylonese generally—who were then almost entirely

excluded from any save the most inferior offices,—were anxious that their claims to a share in ruling circles and the possession of high judicial power should be recognized in Morgan's acceptance of the proffered office and honour. Among a host of letters received at this time, the one immediately to be quoted may be selected, not only for the sound counsel contained in it, but also for the shrewd prediction which the writer made, but which he did not live to see fulfilled.

At that time, when the Eurasians of India and their cousins-German in Ceylon, the burghers, had made no conspicuous mark in continent or island history, when they were looked upon as a feeble and inconsequential folk, to have prophesied that one of them would become a Knight of the British Empire, required unusual acquaintance with the merits of individuals and of the class as well as uncommon shrewdness. These Mr. Darley possessed, and though a British merchant not trammelled by race prejudices, he could hopefully look forward to a great future for the class of which his friend Morgan was a conspicuous example of ability and honesty. Mr. Darley wrote :—

CLAPHAM PARK, 26th September 1856.

MY DEAR MORGAN,—I have always been intending to write to you, but I will not now let another mail leave without thanking you for yours of the 25th July, the receipt of which afforded me very great pleasure, not alone on account of the intelligence it conveyed, but, also, because it brought to mind pleasant recollections of the past.

The shadow of the coming event has been perceptible for some time, and I am therefore not surprised to learn that you have as you express it 'taken the shilling'. I always knew that if you were spared, this event must happen, but I used to try to forget it, and to think that the time was distant when any consideration would induce you to enlist. Your cordial co-operation and confidence made me in this matter somewhat selfish—but I also feared that the independent element in the council would be seriously weakened by your retirement whenever it might happen—for I despaired of seeing any one selected from among those whom you are understood to represent, who would discharge the duties with any approach to your own ability and independence. Not that I wish to be understood to suggest that the post of Legislative councillor in Ceylon is intrinsically important—for it is certainly not so—but it certainly does possess a degree of importance, inasmuch as

it involves *all* the direct power of interference in the government of the island which the people possess

As to the propriety and expediency of your accepting the appointment offered you, I do not think there can be room for two opinions in the mind of any who are well acquainted with Ceylon. The community are now, and will be for years, too poor and too few in number to afford you professional advantages that would compare with the district court now, and the supreme court and *Sir R. F. Morgan*, looming in the future. I congratulate you upon the appointment and upon the manner in which it has been conferred—for I know you will value your antecedents too highly to fail to qualify yourself by application to fill the larger sphere of action that will be before you, to the advantage of the people among whom your lot is cast.

Your position in the council I can easily imagine you will feel to be rather a difficult one, and to have escaped from this, would it not have been well to have asked the Governor's permission to resign the moment you accepted office? The public have no claim upon you. If you try to serve them they will not recognise your efforts, and if you succeed in serving them they will repay you with detraction. I think that you might have so put this matter to the Governor, that, being a man of high spirit and honorable in his nature, he would instantly have accepted your resignation and that you could not, by tendering it, have suffered in the estimation of any.

It is no cause for wonder that under the influence of all these circumstances the non-official leader of the bar should consent to throw aside his gown, give up his pleadings, and sit (as is the wise custom of judges in the East in inferior courts) *sans* wig and robes, upon the bench to decide cases similar to those in which he had formerly taken an active part. The offer of the Governor was, therefore, accepted, and as soon as the acceptance became known, congratulations from all quarters flowed in upon him; the most original, and certainly not the least cordial, was the mark of rejoicing from a brother burgher, then acting as district judge of Chilaw. Mr. Lorenz thus signified his delight in a pen-and-ink sketch, which has been reproduced in *fac simile* :—



HOORAY!!!

My dear Governor,

The language at my command couldn't do it. But I've tried it in a sketch. So I says Hooray again !

Yours very sincerely,

O. A. LORENZ.

11th July 1856.

The members of the bar testified their pleasure in an address to the Governor which was in the following terms :—

MAY IT PLEASE YOUR EXCELLENCY,—We the undersigned advocates and proctors of the different courts of this island beg to wait on your Excellency

in respect of the change just effected in the bench of the district court of Colombo, with the request that you may be pleased to convey to Her Majesty's Secretary of State for the colonies, our most grateful acknowledgments for the great benefit conferred on the public by conceding to them, in deference to their often expressed wishes, the principle of filling up the office of the district judge of Colombo by a professional lawyer, a concession which cannot but be highly valued by the community as calculated to place the administration of justice in the important and populous district of Colombo on a firm, certain, and satisfactory basis.

While we thus offer our acknowledgments to Her Majesty's Secretary of State, we cannot refrain from expressing our warmest thanks to your Excellency for the selection to that office from among the local bar of our acknowledged leader, Mr Richard Morgan, in whose talents as a lawyer and integrity as a man the public and ourselves have the most unbounded confidence.

The merchants and other friends signified their delight in a more substantial manner. A subscription list was opened, and in a very little time £700 were contributed. At first it was proposed to obtain a magnificent piece of plate with this amount, but Judge Morgan's family was growing up, and he had set his heart upon his sons and daughters having advantages in the matter of education in England, which straitened means had rendered impossible for himself. His wishes became known to the committee, and the amount subscribed was funded for the education of his eldest son, Richard Hillebrand. A full account of the meeting at which the presentation took place appears in the appendix, but it may be here stated that the speech in acknowledgment was peculiarly feeling and appropriate, and couched in most modest terms. After alluding to the difficulties inseparable from a legal career in the resentments which a faithful performance of duty frequently engenders, and speaking of the anxiety with which he had accepted office 'lest when I come to be weighed in the balance I should be wanting,' Mr. Morgan proceeded, 'Gentlemen, I accept thankfully the testimonial that my friends are pleased to present me. I should ill requite your kindness, did I not frankly state that I heartily agree to the mode in which you desire to invest the liberal sum sub-

scribed. A service of plate to one of my habits and those in which I hope to see my family grow up, will be perfectly valueless. It would conduce more to our real good, our lasting benefit, that it should be invested in the way you proposed. Let it form a fund laid out on trust, to be used, if need be, for the education of my eldest son ; and should it not be necessary to employ it for this object, which I hope and trust it will not be, then to be paid him, principal and accumulated interest, on his attaining his majority, to aid him in his advancement in life. I pray that this act of liberality will be an inducement to him in after-life to strive to make some requittal for the kindness shown to his father, by devoting his energies in the service and for the benefit of his fellow men.'

Not called upon to assume office at once, opportunity was given to Advocate Morgan to work off the large number of appeals which had been entrusted to him, the judges of the supreme court facilitating this arrangement by agreeing to hear first the cases in which he was engaged. He also sat for the last time on the unofficial side of the Legislative Council, and in this capacity spoke against the railway construction ordinance which had been introduced by Government. It was not that he objected to the construction of railways, or was, in the slightest degree, an enemy to modern progress. It was the mode in which the work was proposed to be done which aroused his antagonism. A company was to be formed in England, upon whose outlay up to £1,200,000, or even an unlimited sum, a guarantee was to be given by the local Government of interest at 6 per cent. Control was to be exercised by the Executive Council, a coterie of half-a-dozen gentlemen who, in addition to advising the Governor on all matters of importance, are likewise heads of large departments, and who, if faithful stewards, are greatly burdened with work.

Mr. Morgan objected both to the guarantee and to the controlling board. In the course of a comparatively short speech he said :—‘The question then presents itself. Are we to confirm this agreement by which the company are not to be limited to a stated sum? It appears to me—and I say this with all deference to the opinions of others with whom I happen unfortunately not to agree—that it would be unwise and dangerous to do so. I do not profess, Sir, to share in that horror of a company which I have heard some of my friends express : nor does it appear to me to fall strictly within the logical bearings of the question to institute an enquiry regarding names and men, to ascertain whether these can be trusted or those proved to be honest. Men are men, whether acting in companies or separately as contractors, and the lesson which a sound policy would dictate to us is, to take all reasonable precautions, whether we deal with a company or a contractor, to put it out of their power to abuse their trust by an inefficient or an extravagant performance of their work. It may be fairly assumed, that in entering into these undertakings, a company may be interested in extravagant expenditure, confident of good interest upon whatever they expend ; a contractor, on the other hand, will confine himself, if he can do so, to a minimum of expenditure. One of the most effectual ways of doing so is to fix upon a sum beyond which the company cannot charge ; and it is the want of this provision that I most strongly object to in the agreement before us. It is no answer to say, we cannot fix a price without knowing the line, ascertaining the distance, and settling the gradients, for these, Sir, should then be done beforehand. This may cause a little delay, it is true, but it will save much loss, much heart-burning, perhaps ruin, in the end. Without fixing a limit, and for that purpose procuring the necessary data, we may find ourselves involved in an expendi-

ture far greater than we have at present any conception of—far greater than we can afford. I will not say from design—but from ignorance of local circumstances, or from a variety of causes, perhaps some beyond the control of the company, the work may turn out far more costly than we expect—far more costly than we want or can afford to pay for. Once having embarked in it, however, and proceeded up to a certain stage, we may find ourselves compelled, with the view of not altogether losing what we have already spent, to go deeper and deeper, until many hundreds of thousands be added to the original estimate. The supervision, however, it is said, of the executive government, should be our safeguard. Sir, I have heard this argument with great pain. I never hear appeals of this kind but with pain, for their danger consists in exciting the feelings, instead of influencing the judgment. We know the men whom we are called upon to trust, we are in the habit of dealing with them every day of our lives, and have always observed how eminently trustworthy they are; and when the question becomes narrowed to this: “If you trust the executive government you will leave the matter to them,” the mind naturally shrinks from forming a conclusion which may in the slightest way imply distrust of them. But, subduing our feelings, and viewing the question through the medium of our judgment, wherein consists the soundness of the appeal? Where the security that the present men will continue at the head of affairs, or if they continue, that they may not err in matters upon which men of professional skill constantly err—particularly, when not being professional men themselves, they must adopt the views of others? Honest themselves, and unsuspecting, may they not be made subservient to the designs of others? I cannot pretend to look into futurity, but I can look to the past, and my reading of what has taken place elsewhere, my observation of what has taken place here,

warns me of the danger of leaving things too much to trust. A work is undertaken estimated to cost so much. some unforeseen difficulty arises; the roof is unsuited to the climate, or the ground such as to necessitate an additional depth in the foundation—an additional thousand or two are wanted or the former expenditure will be all lost; and we go on, spending more and more, until the work is executed indeed, but at a cost far exceeding that for which it was originally estimated. If these results take place with reference to minor works and works estimated for, is the danger not increased a thousand-fold in view of the magnitude of a work such as a railway, to be constructed for the first time in the colony, and in respect of which plans, surveys, and estimates, have yet to be provided? With other matters pressing on their time and attention, how can we expect the executive government effectually to secure us against loss? I for one can sincerely say that I place the most unbounded confidence in the judgment and integrity of the executive government; but, with all my confidence in their judgment—and who can question it?—with all my confidence in their integrity—and who dare doubt it?—I should regret to see the work undertaken with no other security for its efficient and economical performance than the supervision and control of the executive government. Much must always be left to them, much must be taken on trust, but for their sakes I would bind down the company more, and trust them less. I would know before-hand that the work will not by any possibility cost more than a given sum, and that that given sum is what the colony can well afford. It would be unsafe to leave the question an open one, trusting to any men or Government: it would be unconstitutional to do so, for laws ought to be so framed, and contracts so prepared, that they cannot, not that they will not, be evaded. We do not neglect these precautions in the

ordinary, every-day matters of life: how much more necessary that we should not do so when we act as trustees of a public fund, and embark in an undertaking pregnant with such important consequences to the colony?"

Various other objections, such as the high rate of interest suggested, were alluded to, and the burgher member concluded, what proved to be his last speech as an unofficial, in these terms:—"I have heard it said, Sir, that a railway will only benefit the European and not the natives. This seems to me to involve a contradiction in terms, for if it benefit the former, it must necessarily benefit the latter also. But even if this did not follow, it would still be the duty, in my opinion, of the natives patiently to submit to bear their share of the burden to secure so great a desideratum. But for European capital and European enterprise we should look in vain around us, for those marks of progress and development which we see everywhere. It may be a humiliating confession for a native to make, but it is nevertheless true that we owe entirely to the Europeans the success which this colony has attained. This objection will therefore have no weight with me and with my native friends. Gladly would we vote for the ordinance, but for the objections to the present agreement which I have endeavoured to point out."

On the 1st of October, Mr. Morgan took his seat as district judge of Colombo, and before the year was out, what seemed only the biassed anticipations of a warm friend (Mr. Darley had written of a seat on the supreme court bench looming in the future) was realized. Mr. Justice Sterling was unexpectedly compelled to vacate his seat, proceeding from illness to England on privilege leave, and, on the 23rd of December, official notification of Mr. Morgan's appointment as junior puisne justice was made to him. High honour this! His master at the academy had written respecting the sharp-witted

lad that he was ambitious, but the honour of reaching the supreme court bench and being addressed as 'M' lud !' long before he was forty, had never entered into Morgan's mind, and deeply humiliating were the feelings of gratitude he indulged in when, in the midst of his family, the offer was talked over. The wife, naturally, was full of delight, the old mother, whose youngest born Richard had been fondled in her arms, and watched over by her in the thick shadow of the great sorrow and distress of his father's death when but two months old, wept tears of joy as she congratulated her son upon his advancement. The next day he was sworn in, and, according to the *Colombo Observer* of December 29th, was received with great cordiality on the bench, while the gratification of the general community was very great.

Sir Anthony Oliphant, writing from the south of France, sent his congratulations to Mr. Morgan. In the course of his letter he said:—

'I am glad to see by a file of Ceylon papers lately received that the manner in which you acquit yourself of your judicial duties has given general satisfaction.

'I never doubted that such would be the case, and I feel sure that when a vacancy occurs in the supreme court, you must be promoted from your present brevet rank to a permanent seat on the bench. In my opinion it is absolutely necessary that at least one judge should be intimately acquainted with Roman Dutch, Kandyan, Tamil and Mahomedan law, and to your knowledge of all these, I can testify from your practice in the court in which I presided, and in which you generally lead on one side or other for some twelve or fourteen years.

'I trust that Mr. Lorenz, whom I saw shortly before he left England, will fulfil the high hopes I then entertained of him, and that he and yourself will, by your respective careers, prove to the world that native talent and acquirements are in nothing inferior to European.'

A SHORT AND BRILLIANT CAREER.

JAMES STEWART—*March 1821 : November 1850.*

Mr. Stewart's career has been so much connected with that of the subject of this biography that a few details may be given in this place. They will be useful as showing that sterling merit and high ability are fairly general in the Ceylon burgher community : they are appropriate in this connection, for the two men, as friendly rivals, spurred each other to greater energy. The difference in their lives, looked at from a public point of view, is most marked. Stewart nowhere and at no time busied himself with the concerns of his fellow-citizens in the way that Morgan did. Differences so radical as this, however, did not sever their friendship, and when Stewart lay a-dying, and Morgan stood by his bedside, the former said to his friend, 'What shall I say to you, my friend? we have lived together, and we hoped to die together. There are ties in this world more enduring than those of relationship, and ours were such. Be as true to mine as you were to me. God bless you and yours.'

The Honorable James Stewart, Esq., was the eldest son of the late Captain James Stewart of the Ceylon Rifle Regiment.¹ He was born on the 24th March 1821, and received his education at the Colombo academy under the Rev. Joseph Marsh. His progress in study was

(1) In giving some particulars, from which copious quotations are made in the succeeding pages, the *Colombo Observer* of 1871 said :—'We need not, we feel certain, offer any apology to our readers of any class for the space we devote to the following notice (prepared at our request), of a career honourable to the individual—honourable to the British Government whose policy in this Crown colony has afforded and still affords scope for the exercise of local talent—and fraught, in its power as an example, with important consequences to the educated and rising people of the land.'

such as to call forth the marked praises of Mr. Stewart Mackenzie, who, as Governor, presided at the yearly examination of the academy in 1837. On leaving school Mr. James Stewart studied for the bar, which at that time presented the only prospect of success for promising young men. He was admitted as proctor of the supreme court on the 11th of July 1840, when he was only nineteen years of age. He was not a week in the profession when he distinguished himself in a case before the north district court then presided over by Mr. Whiting. Amongst the Moors, the head Moorman, priest, and other functionaries enjoyed certain rights by long custom: they must have certain honours paid to them, they alone can officiate in certain ceremonies. One of these monopolists prosecuted a Moor for an infringement of his rights, and claimed pecuniary damages. Such cases were then very frequently instituted, and the facts, being established, were successfully maintained, and hence the right itself was by a kind of universal consent regarded as indisputable. Mr. Stewart, however, who appeared for the defendant—instead of following the old plan of meeting the case on the facts—boldly questioned the law; he denied the legality of the custom, as it was calculated to establish an injurious and improper monopoly, to affect the freedom of choice which parties were entitled to, and as it was a custom *contra bonos mores*. He established his position by authority from Voet, Vinnius and Heineccius, but the case was decided against him and he appealed from the decree. It was in this case that he made his first appearance in the supreme court before Mr. Justice Carr (the chief justice attending merely to hear the arguments), who, whilst setting aside the decree and remanding the case for further enquiry, congratulated the young lawyer on the success of his first appearance, and passed a high eulogium on his able conduct of the case.

Though he failed in this his first case in the district court, yet an impression was created in his favour owing to the skill and ability which he displayed, and retainers poured in from all quarters.

He infused new life in the procedure of the district courts. Every day saw some new question raised, some new point mooted, many of which not only startled the bar, but greatly embarrassed the Government and led to the alteration of existing laws. It was by him that the jurisdiction of the district court to entertain cases occurring in the roadstead—which jurisdiction was exercised day after day before his time—was disputed and that successfully. He it was who first questioned the right, never disputed before, of a prosecutor in a criminal case to appeal from the finding of acquittal pronounced in favour of the prisoners, calculated as such right was, if conceded, to affect the broad and constitutional principle which he most ably vindicated, that a man cannot be tried twice for the same offence. He also completely paralyzed the department of which he was afterwards the main-stay, by moving in arrest of judgment in a case wherein his client was convicted, on the ground that he was tried, not upon an information presented by the Queen's advocate, as required by the charter, but upon a simple affidavit (as was universally the case then) sworn to by the complainant. The consequence of this proceeding was that the greatest confusion existed in the department of the Queen's advocate.

Mr. Stewart's practice rapidly increased, and his superiority became so fully established that no case of importance came on without his appearing in it on one side or the other. In 1842 when the division of the bar was proposed, Mr. Stewart was unanimously elected by the proctors to appear on their behalf and oppose such division. Both the bench and bar joined in extoll-

ing his speech, and Mr. Advocate Selby, who appeared on the other side, exclaimed that if the proposed measure served no other object than leading to the enrolment of Mr. Stewart as advocate, an office in which he would have greater scope for the high talents which he possessed and so eminently displayed on that occasion, it would achieve incalculable good to the profession and the country. Much to the regret, however, of Mr. Stewart, the proctors, and the country, the measure was carried, but as it did not come immediately into operation, Mr. Stewart was not enrolled as advocate till the 24th December 1844.

The story of the change in the jury laws from Mr. Morgan's point of view has already been told. It may be interesting to note what the biographer of James Stewart had to say of his hero's share in the business. The writer remarks:—'At this time the state of our jury laws was under consideration and every one concurred in the propriety of revising them. As they then existed men sat, not only according to their respective castes, but also according to their classes, these classes being so many subdivisions of each caste. The consequence was that the number on each list was very limited, and a jury box not unfrequently was filled by parties who were related to each other. The Government not wishing to interfere more than was absolutely necessary with the feelings and long cherished prejudices of the people would not force different castes to sit together, but determined at once to break up the obnoxious subdivision of each caste into classes, and an ordinance was accordingly introduced having for its basis this most desirable object. The first class Wellales took umbrage at it and petitioned against the threatened fusion of classes. The other classes of the Wellale caste thought the change favourable, and prayed that it might take place, and the Legislative Council determined upon

hearing each party by counsel. Mr. Stewart was retained for the non-contents, and every one who heard his celebrated speech on that occasion could not help applying to him Milton's words :

His tongue
Dropt manna, and could make the worse appear
The better reason

'All who understood the nature of the discussion saw what a hopeless case was entrusted to Mr. Stewart, and yet he so represented and argued it, that one felt almost inclined to wonder at his own obtuseness in not previously discovering the sound views of policy which, according to the learned counsel, called for a decision in his favour. There was no mistaking, however, his own views and feelings.

"I freely admit," said he, "that the distinctions under consideration may well be discontinued by those who are at present governed by them; and I should myself hail the day when such distinctions should only be known in the pages of history. My duty as counsel I consider as by no means compromised by a candid avowal of my sentiments, or I should not have appeared for my clients at the bar of this hon'ble council. But the distinctions are now in existence, and the feelings of the people founded on those distinctions are not to be causelessly injured.

"The rights of individuals are not to be taken from them but for some corresponding advantage to society. To proceed beyond this is an exercise of tyranny which no wise or liberal government can sanction. Upon the same principle every man has a right to have his own feelings and to exercise them, unless the good of society require the contrary. It becomes necessary, therefore, to consider the advantages proposed in the contemplated disregard of the feelings of the native community of this island comprising so many thousands of Her Majesty's subjects."

'The injury likely to arise from the forced amalgamation was very skilfully put :—

"With the feelings of shame and disgrace which (however unreasonably) attend the intercourse of the higher with the lower classes of natives, is it too much to say that there will be an utter absence of that deliberate and harmonious consultation which is so necessary for the purposes of justice and which constitutes the greatest recommendation of the jury system? But it will be answered that the feeling is unreasonable and improper, and should therefore not be countenanced. I leave it to this hon'ble council to judge between a proposition so monstrous, but yet unhappily so common, and the prisoner at the bar charged with murder. Suppose the prisoner's life depending on the judgment of his peers. Under such circumstances, is it too much

for him to ask, or this hon'ble council to grant, that he should be fairly and impartially tried, and that his peers should exercise in his favour all the advantages which may result from the closest consultation? Or, are these advantages to be dispensed with, and the prisoner to be satisfied in lieu thereof with the miserable mockery of the sentiment I have adverted to?

"No legislation, however much it may control the conduct of mankind, can operate so as to direct the mind and to repress the feelings. Here, even power becomes impotent. Brooding over the sense of shame (unreasonable though it be), and the violence done to feelings deeply and sorely injured, I leave it to this hon'ble council to say how little calculated the minds of a jury composed of various classes of natives are to give that calm, unruffled, and undivided attention to a cause which perchance may involve the life, liberty and reputation of a fellow creature!"

'Again:—

"One of the great objects of the trial by jury is, assuredly, to secure an independent and impartial opinion. Where a jury is composed of different classes it is manifest how little the independent votes of the lower classes can be calculated upon. Much as I dread the want of independence on the bench, there the conduct of the judge so lies open to public revision, that the evil is comparatively small, and, except in some cases, we may hope to see it rectified. But who can apply the remedy to the want of independence in the members of a jury? Withdrawn from the public eye, in the secrecy of private consultation, who can detect, or who prevent, the influence exercised on the votes and opinions of the lower classes by the operation of the causes I have mentioned? Under the English system of an unanimous verdict, it may be hoped that the solemn obligation of an oath by saving one honest and independent jurymen from such influences may prevent an improper verdict being given; but the evil becomes fearful, when, as in this country, the balance of but one vote, so as to compose a majority, may consign an innocent man to the gallows?

"To me, much reflecting on these considerations, I confess it appears a most serious alteration of the system which has hitherto been in operation, to discontinue the distinction of classes and I am utterly at a loss to conceive the reason for its *immediate* adoption."

'The charge of absurdity brought against these distinctions was well noticed by him:—

"But admitting their absurdity to the fullest extent, it will be perceived that the observations I have submitted respect the impolicy and impropriety of an untimely interference with deep-rooted prejudices founded though they be on such absurd distinctions. The feeling is not the less acute, nor the pain less exquisite because it is unreasonable. And it is to be borne in mind that these distinctions are peculiar to the East; and that the feelings associated with them are to be considered through the medium not of English but Eastern ideas."

'The conclusion of his speech was as follows:—

"In retiring from the bar of this hon'ble council, I cannot close my

observations without the expression of my thanks for the indulgent attention I have received, and I leave the interests of my clients in the keeping of this hon'ble council, fully persuaded that notwithstanding my great inefficiency this hon'ble council will, in its dispassionate and wise consideration of this most serious matter, see the importance, nay the absolute necessity, of deferring for a time the discontinuance of the distinction of classes into which caste is divided. And although this hon'ble council should deplore with myself the existence of such a distinction, I trust and do confidently hope that it will perceive the impropriety as well as the impolicy of an ill-timed and hasty interference with deep-rooted feelings, almost indeed of veneration, with which that distinction is at present associated. To the civilized mind and the christian heart it is doubtless painful to witness such prejudices in existence, but there is a consolation for both under the reflection that there is a prospect of better things to come. Education with its benign influence has already done much amongst the people, and I feel assured that before its salutary effects and its extended influence even the prejudices of caste and class will die away. When that efficacious and certainly more politic remedy has been applied, and has levelled, as it soon will, these distinctions with the dust, then will it be the pleasure of the philanthropist and the timely duty of the careful legislator to refuse the sanction of feelings and habits, which, if disregarded at the present, needs not the aid of prophecy to foretell, will involve in one common grave the advantages of the jury system, and the affections for the Government of thousands of Her Majesty's subjects."

'The result of the discussion is well known. All distinctions of caste and class were completely swept away, and the test of language only in framing the jury lists retained,'—wisely, as subsequent experience has shown.

In October 1843 Mr. Cumming, the deputy Queen's advocate of the Midland circuit, died, and Sir Arthur Buller, then Queen's advocate, who had long and attentively watched Mr. Stewart's promising career and saw the advantage of securing his valuable services, offered him the vacancy with a salary double that which was attached to the office, £400. He accepted it on the distinct assurance of Mr. Anstruther, then colonial secretary, that the office would only be a stepping stone to his future promotion. The *Observer*, in notifying the appointment, said that the Government did more by it to repress crime than whole tomes of legislation could have achieved, and verily this has proved true. Shortly before his appointment Mr. Stewart appeared as counsel

for the prisoners during one criminal sessions, and of five prisoners tried, all were acquitted save one. When he was counsel for the crown, on the other hand, out of eighteen prisoners tried at one of the Kandy sessions, all were convicted save one. That one got off on the ground that the breaking into the house which was necessary to constitute burglary, with which he was charged, was not established : but no sooner was ' not guilty' pronounced, than Mr. Stewart, ever ready and prepared to meet all views of the case, handed an indictment to the registrar charging the prisoner with simple theft. ' What !' exclaimed the advocate for the prisoners, with manifest chagrin, ' could you not allow me the credit of one acquittal ?' Mr. Stewart was inexorable ; the prisoner was again tried and convicted. As counsel for the crown his name was a terror to the lawless and the wicked ; the guilty saw that their fate was sealed and that there was no chance of their escaping owing to any want of ability, or zeal, or vigilance on the part of the prosecutor. Though second deputy Queen's advocate, and that for the district of Colombo only, he was chosen to conduct all important cases in the chief town and at the out-stations. When the fiscal at Galle was prosecuted for heavy damages, Mr. Stewart was sent up specially to defend him. When Colonel Braybrooke brought his case in Kandy against the Government, Mr. Stewart's services were again required to appear for them, and thus be it remembered when there were deputies for each of the stations, besides the deputy for the whole island, and the Queen's advocate himself. In nearly all these cases his opponent as lawyer was Richard Morgan.

In October 1847 Sir Arthur Buller left Ceylon on leave, and Mr. Stewart was then appointed to act as deputy Queen's advocate for the whole island, in which office he was confirmed in November 1848, on the

appointment of Sir Arthur to the Calcutta bench and the promotion of Mr. Selby to the office of Queen's advocate.

Mr. Selby never failed to consult him in all matters of importance and was ever foremost in acknowledging his worth. In the disturbances of 1848, Mr. Stewart, though only deputy, was frequently consulted by the Government in regard to their movements, and a pleasing trait in his character, showing how inoffensive he was in manner and how he endeavoured to conciliate all parties, is exhibited in his rare fortune in escaping, though the confidential adviser of the Crown, all odium or observation, whilst most men, who had a far less serious part to act, incurred the one or excited the other.

In December 1849 Mr. Selby was summoned before the parliamentary committee, and Mr. Stewart succeeded him as Queen's advocate and member of the Legislative and executive Councils. Of the manner in which he presided over his important department and regulated the machinery of the whole, it is impossible to speak in terms of too great admiration. His deputies, the magistrates, justices of the peace, and indeed all Government officials will testify how ready he always was to advise and assist them, and how comfortable and safe they felt in the assurance that he was the person to protect them in the *bonâ fide* execution of their duty and to conduct them safely through all difficulties. There was a moral weight attached to his name which inspired his clients with confidence and struck the guilty with awe. The latter feared and dreaded him. A serious murder case occurred a short time ago at Galle, in which though the proof was strong against the prisoner, great interest was exerted in his favour. This induced Mr. Stewart to determine on going there to conduct the prosecution, but by some mistake the case was brought on by the provincial deputy, the very morning Mr. Stewart left Colombo. Everything promised fair for the prisoner and the local

prosecutor was beginning to despond. Suddenly the coach arrived, and Mr. Stewart, when he understood that the case was under trial, hastily put on his gown and entered the court. A sensation was immediately created, and the involuntary exclamation of 'Ana! den Pallachie,' burst from the anxious friends of the prisoner. 'Alas! now all is lost.' And so it was—all was lost to them. A question had just then been argued as to the admissibility in evidence of a certain rumour ascribing an improper intimacy between the deceased and the prisoner's wife—an important item it will be seen as supplying the motive which induced the crime. The judge was for rejecting the evidence, when Mr. Stewart, with that singular readiness and admirable presence of mind for which he was always distinguished, pressed for its admissibility, not to show that such was the case from its being a rumour, which would be mere hearsay, but to prove that, whether true or false, such a rumour did, in point of fact, exist, and having reached the prisoner incited him to commit the murder. The distinction was an intelligible one and was upheld by the judge, who thereupon admitted the evidence. Whilst the judge was deciding the point Mr. Stewart seized a few minutes to read the notes of the evidence already received and took up the conduct of the cause. Immediately it was clear that things were taking a different course. 'All was indeed lost!' The prisoner was convicted.

His practice as a private advocate continued to increase rapidly. In the great Stewart Mackenzie case, in which a barrister went from England to Ceylon upon a retainer of a thousand guineas besides expenses, Mr. Stewart was retained to conduct it in Colombo, and that barrister acted under him. Add to this that he was incessantly applied to for advice by private parties, and was, besides, the standing counsel of the great majority of mercantile houses and proprietors of estates, and of the

banks. It is reported of Lord Mansfield that he was often heard to say that he never knew the difference between a total want of employment and an income of £3,000 a year. There is a freemasonry observed in respect of such matters that prevents our getting from lawyers here the exact figure of their incomes, but there can be no doubt that within a very short time of Mr. Stewart's entering the profession, he realized, and that deservedly, a far larger income than any proctor or advocate before him, of the greatest celebrity, enjoyed. After his permanent appointment as Crown counsel, Mr. Stewart could not afford time to attend so assiduously to private practice as he did previously, and, therefore, as a general rule, received no retainers to appear in the district court, under twenty-five guineas. In spite of this determination there were often scrambles in court as to which party should retain him first, and not a few were the disputes between the plaintiff and defendant as to which of them was entitled to his services. Indeed, many cases can be mentioned which were never pressed forward or even instituted—nay, were avowedly abandoned by a party—merely and solely because his opponent had been beforehand in securing the valuable services of Mr. Advocate Stewart.

His skill in narrating facts, in arguing upon probabilities, in marshalling and sifting evidence, shone brilliantly in cases of fact and in his openings and replies in criminal trials. A handsome compliment was once paid to this talent of his, though by a humble individual. Mr. Stewart was conducting a case at Matara against the shroff at Hambantota, who was charged with stealing kachcheri money. It was a case depending entirely upon circumstantial evidence, and, in his opening address, the advocate skilfully brought out all the facts and showed their bearings against the prisoner. The judge's house was not far from the court, and his European

coachman—a plain sensible man—answering certainly to the common description of jurymen, was loitering at the doors of the court and hearing the address. He was astonished to find when the advocate sat down that the judge adjourned the case in order to hear the witnesses. ‘Hear witnesses!’ said the poor man to his master’s son, ‘what on earth is the use of hearing witnesses after such a speech? Can there be a doubt as to the man’s guilt? If I was judge I would dismiss the jury and sentence him at once.’

As a legislator his career was short; his work was to effectuate measures which originated with the judges of the land, merely to put into legal form and reduce to legal language the suggestions of others. Confined, however, as he was within this narrow compass, Mr. Stewart liberalized, so far as he could, the provisions submitted to him. The extension of the right of review to all errors of law—the repeal of the absurd provision requiring all the grounds of error to be set forth in the petition—the power given to direct new trials—all which, those who consider the court of requests ordinance objectionable must nevertheless admit are its redeeming qualities, were introduced by, and are clearly attributable to Mr. Stewart. To him, therefore is all the praise due for the liberal provisions engrafted on the project: upon other shoulders must alight the odium, whatever it may be, of such project. All that he is responsible for is the performance of the work required of him; and the highest legal authority in the country has said of the ordinances, that, whilst they ‘carry out the *intentions of the Governor and the judges*,’ they were ‘very carefully and skilfully drawn and do much credit to the acting Queen’s advocate.’ They are indeed specimens of the mode in which ordinances should be prepared: drawn in a simple and compendious form, free from all prolixity and tautology.

For months before his death Mr. Stewart was occasionally troubled with fainting fits, particularly when he had to make any uncommon exertion of mind. A few days previously to his being seized with illness in council, he had to walk about a mile in following to the grave the remains of an old fellow-practitioner whom he much respected, and he complained that he was several times ready to sink to the ground from utter exhaustion. The same feeling was experienced on his walking the short distance between the colonial secretary's office and the Queen's house, but he attributed all this to mere debility—a debility induced, as he naturally enough concluded, by constant exercise of mind and deep and anxious thought, and to his want of due sustenance and rest,—for so intense was the interest he took in business that he utterly neglected both whenever any matter of importance engaged his attention, so that it was a matter of constant occurrence with him, whenever he had a case in court or any other serious engagement to attend to, to leave home and remain the whole day without a single morsel of food to support him. From the first moment, however, that Mr. Stewart took to his bed, and the real cause of disease was, upon due examination, ascertained, his medical attendants had very slight hopes of his recovery. All that skill and ingenuity, all that care and attention could effect was readily and cheerfully exerted in his favour. The acute symptoms of his disease soon yielded to treatment, but in a few days appearances of general dropsy supervening left little to hope for.

On Tuesday morning, the 18th of November, he finally sank with scarcely a struggle. The newspaper writer adds:—

'The public loss sustained by his death is irreparable. His great eminence as a lawyer, his spotless integrity as a man, made his services inestimable and his life invaluable to the Government and the country; whilst his immeasurable superiority to all his compeers will render hopeless the pros-

pect of supplying effectively his room. Without any patronage bestowed upon him, or interest exerted in his favour, by the force alone of his own brilliant yet self-acquired talents, Mr. Stewart achieved a high position for himself—a position which commanded the respect and extorted the admiration of all classes of the community. And let it not be forgotten that the man who did so much, and to whom the highest offices in his profession must speedily have been conceded, was only thirty years of age when he died; and that he had acquired his knowledge in this country where the means of obtaining a general, much more a legal, education were so few and humble. Is it surprising, under such circumstances, that his countrymen should point to his career with pride; and should feel a satisfaction in extolling the merits of an individual who, with all the difficulties which lay in his path, and in spite of the disadvantages under which he laboured, attained distinction and wrought his way to official rank, such as was gained by no Euro-Asiatic before him either here or on the continent of India? When humbled at the thought of how little the people of the country have done for themselves, what little talent they have displayed or enterprise evinced, what slight efforts they have made towards promoting the moral, religious and social interests of themselves and their fellow-creatures, when reflecting on the nakedness of their land and the barrenness of the prospect before them, it afforded no slight consolation and pride to them to dwell with exultation upon the career of one who was essentially of the country, and who so amply vindicated its honour and good name.'

CHAPTER VI.

1857—1863.

At the time when India was becoming greatly excited by rumours of mutiny or of actual outbreaks among the sepoy in northern Bengal, Mr. Justice Morgan went on his first circuit. The record he has left (in his own handwriting) of the preparations for, and the actual experience on, the journey are full and very interesting. As a record of a style of travel now nearly extinct—thanks to railways, roads and steamers—the details are worthy of being quoted in full. As the years pass on, and the progress of civilization makes itself more felt in Ceylon, this record will acquire additional interest.

It should be added that the first part of the paper to be quoted was drawn up (from memoranda made at the time the journey was taken) as a guide to Sir Edward Creasy, when he first went on the northern circuit :—

ARTICLES REQUIRED FOR THE JOURNEY AND AT JAFFNA.

Memo.

To save expense we sent off by sea the things required for use at Jaffna. (I got lists from Mr. Loos, and others.) They were as follows :—

1 dozen sherry.	1 pint salad oil.
1 „ champagne.	2 tins salmon.
1 „ claret.	2 „ carrots
2 „ beer.	1 bottle mustard
1 „ porter.	2 „ pickles.
½ „ port wine.	1 ham
½ „ brandy.	1 tin of flour.
3 bottles tart fruits.	1 lb. macaroni.
3 half-pint sauce.	1 lb. vermicelli.

1 jar raspberry jam.	2 table cloths
1 loaf sugar.	2 dozen towels
2 lbs mixed tea.	4 „ soda.
6 lbs candles.	4 „ lemonade.
4 measures coffee, in bean.	

The freight (Mr. Murray who must be asked to receive them, and he will pay the same in the first instance) is twelve shillings.

Thirteen coolies are wanted for a palanquin, that is two sets of six carriers each and a head or peria-boy.

I found it necessary to take twelve more for baggage.

2 for a portmanteau containing clothes, (the lighter the better and not many, as you have good washermen at Jaffna.)

4 for canteen, (great nuisance, much better to separate the things and carry them in small bundles) This contained plates, knives, forks, spoons, coffee (ground) and tea,—also sugar, sago, arrowroot, mustard, salt, vinegar, pickles, jam.

2 for kitchen utensils, (two sauce pans, one milk pan, one frying pan, and a small iron for roasting, &c.) On the coast road, however, I found lots of pans and pots in the rest-houses.

2 to carry rice, curry-stuff, cocoanuts, potatoes, &c., flour.

1 tin containing bread and biscuits, and three bottles soda and ditto lemonade, (the bread must be double-baked.)

1 box, two bottles sherry, nine claret, one brandy, and six soda, and six lemonade, (a cooly will carry eighteen quarts.)

We had no difficulty in procuring poultry, eggs, milk, &c., on the way, in some places much cheaper than at Colombo.

The tolls came to £1-12. You get meat in Jaffna; cheap, but very bad. Mutton indifferent, three shillings a lean, and six shillings a fat, sheep. Poultry ill-fed and indifferent, but not dear. A fair-sized turkey cost us eighteen shillings.

The Queen's house is provided with a dinner set for eighteen—glassware broken, and for not more than twelve (Mr. Murray, however, who lives close to it will get you what is wanted.) No table-cloths or napkins. The bed has mattresses and pillows, but no sheets or pillow-cases.

The greatest bore in Jaffna is the applications for

charity that trouble you from the moment you enter the place. You can hardly find time to read the petitions that are presented. Put off till the day you leave giving to any, for the more you give the more they'll flock to you.

Medicine box. It is desirable to carry one with you. I had a nice little one containing calomel, quinine, sal-volatile, James' powders, gentian, episcac, cholera mixture, turpentine, laudanum, Tr. ginger, Epsom salts, sedlitz, purgative pills, dysenteric pills, plaster, lint. Luckily not a drop was used. The box is at your service if you want one.

Care must be taken always to start your baggage four hours before you leave. We planned the journey so as to reach the rest-houses early in the morning. Breakfast and dine there, and leave in the evening.

The record of the journey is then given day by day, and to it is appended an account of the proceedings in the court at Jaffna.

25th February.—Left Colombo about quarter to 11 A.M. in a palanquin carriage and with three horses. Got to Negombo at half-past one, stayed there till four, when we got into the palanquin and reached the Toppoo river (five miles off Negombo); after 5, ferried over and went on, reaching Natande (11 miles from Toppoo) at 9. Fine rest-house, and attendance good. Slept there till 2 A.M., when we got coolies up and pushed on and reached Chilaw at half-past seven in the morning (12 miles off and 53 miles from Colombo). Road fair, but full of ruts and holes, and calculated to try rather severely the wheels of a carriage.

There is a house here prepared for the judge, and furnished with a bed, a couch, table, chairs and wash-

hand stand. Linen clean. Mr. Pieris, the deputy fiscal, a particularly civil and obliging man (Mr. Temple, I believe, calls him the Lord Chesterfield of Ceylon, and he was a favourite even of Sir William Carr) furnishes the place for some £2 per month which the Government allows him. But the house is in a tumble-down condition, and standing as it does in the midst of the island, exposed to the 'hard blowing,' one feels rather nervous in staying there a night. And as to the out-houses, &c., they are in a wretched condition; no accommodation for a bath. As I was only staying there a day, Mr. Casie Chetty asked me to stay at his place which he had kindly prepared, and I did so. (The tappal leaves for Colombo at 8 A.M., and that from Colombo arrives about 3 P.M.)

There was but one case at Chilaw, and the court closed after hearing it. Next morning I visited the goal which is on the town side of the river. I observed several young women and children imprisoned for offences under the salt acts. These acts operate very cruelly in their results. Stores where salt may lawfully be purchased are at very great distances from each other, and the people (all wretchedly poor and leading a hand-to-mouth existence,) instead of walking these distances, scrape a little salt from the gatherings along the coast, or prepare it by boiling the sea water; they are brought up and punished by imprisonment, fines they are utterly unable to pay.

There is nothing worth seeing at Chilaw excepting the tobacco plantations, which in cleanliness and beauty of appearance vie with a coffee estate. An immense large Roman Catholic church, opposite the judge's house, not quite completed, and an establishment near the Pettah, where a class of weavers (who were brought over from the Coromandel coast in the time of the Dutch Governor Vandergraff in 1792) manufacture coarse cloth, napkins, and towels, very largely used in the country.

At Chilaw we had to engage fresh coolies in place of

those who failed as agreed upon to join in Colombo or fell off since we left Colombo. I found the night before we left Colombo that we had great bother in getting the coolies together. They insist upon getting advances, and some run away after receiving their shares, others get drunk and lie in the taverns. With the aid of the police, and after several hours' delay, we succeeded in getting the men to leave, excepting four who could not be found.

We took our things in boat to Negombo, and as we could get no fresh men at Negombo brought them on in a cart to Chilaw. At Chilaw it was only after great difficulty, and by the interposition of the district judge and constable, that we got four men to join us, and that for £1, whereas men from Colombo got only 15 shillings each. I brought my pony with me, but found that both the horse-keeper and grass-cutter had got drunk on the road and neglected the animal. This, added to what I heard at Chilaw, that it would be difficult to procure water and grass further on, led me to send the animal back to Colombo.

We left Chilaw at 5 P.M. (the coolies left at 2 P.M. on the 27th February), and, after crossing the Dedderoo Oya (a river which crosses through the Seven Korles and discharges itself into the sea two miles north of Chilaw,) we went on along a very sandy and broken road and reached Baltootoo Oya at quarter to 9 P.M.

12 miles from Chilaw.
65 miles from Colombo.

There is here one of the best rest-houses on the road to Jaffna situated on the banks of the Oya, very clean and cool. The rest-house keeper is a Malay man, speaks English well and has lots of poultry, eggs, milk, &c., ready for travellers.

The river swarms with alligators, and it is well worth staying an hour or two after daybreak to see the numbers basking on the shore. We saw five, and ten had been killed the day before in revenge for one of

them running away with the rest-house keeper's cow. A small one (about four or five feet long) was shot and brought to us at the rest-house. People nevertheless freely bathe in the river, and, in answer to my enquiries, told me they were not afraid, as no one had ever been killed there. There are some kinds of alligators which are said to be harmless, but these can hardly be of the kind. A peon of Mr. Caulfield's was destroyed one day, only 10 miles off, though the place where he went in was only knee deep, and he wished to get a little water to wash his mouth with. I suspect the security of the people consisted in their bathing in numbers, and making a great noise during the time. (The tappal leaves this place for Colombo late at night and arrives from Colombo about 8 P.M.)

We left Baltootoo Oya at 2 P.M. on the 28th February. Two or three miles away from it we came in sight of the Calpentyn lake. The road from this place is on the sand and, with hardly a tree or vegetation of any kind, the glare is most painful, and if ever I come this road again, I'll try to leave Baltootoo Oya at night, so as to reach the next stage at dawn.

Some four miles from Baltootoo Oya we came to Moon-del, a fishing village, where the coolies rest awhile and help themselves to a drink of water or cocoanuts. We then pushed on and reached Madamcooly about 7 P.M.

There is a nice rest-house here and in good order situated to the left of a canal called the
 11 miles from BALTOO-
 TOO Oya. Limparawa canal. (The tappal from
 76 miles from COLOMBO. Colombo reaches this at about 2
 A.M. and that for Colombo leaves at 10 P.M.) The water
 at Madamcooly and from Pomparipoo again is bad. It
 is dirty and of a saltish taste. I think it also affects
 the bowels and brings on slight diarrhoea. I found
 it a good thing to carry soda water and lemonade
 with me.

We dined and slept here till 2 A.M., when we pushed on to Puttalam, which wereached at five
 8 miles from MADAM-
 COOLY (March 1st.) The rest-house is a
 8½ miles from COLOMBO fine spacious building, but the better
 part of it is used as the private quarters of the officer
 superintending the roads, who has fenced in the ground,
 on which the bath, &c., stands. It sometimes happens
 that a rest-house to which travellers very seldom resort
 is allowed to be used by any person residing in the place,
 but this is always with the understanding that he should
 vacate it for travellers when required. This was not
 done on the occasion of my stay, and considering that
 the assistant agent and fiscal (who has official charge of
 the rest-house) was living next door, that he knew the
 supreme court officers were coming to Puttalam (he hav-
 ing attended the court at Chilaw as justice of the peace),
 I could not but look upon the act as wilful on the part
 of that officer. As it was myself, the registrar, and
 secretary, had to put up and remain the whole day in
 one end of the building, had to wait awhile and remon-
 strate before we could get the road officer's servants to
 allow us the use of the kitchen, and had to put up with
 other inconveniences.

I cannot understand why it is that the supreme court
 sessions are not held at Puttalam instead of Chilaw, as
 used to be the case formerly. As being the seat of an
 agency it is a more important place than Chilaw, there is
 a building here expressly erected for the holding of the
 sessions; there is a company of the military stationed
 here; and altogether the place presents greater conven-
 iences than Chilaw does. I had but one case to try at
 Chilaw, and that was brought from Tiltépalle, a place some
 15 miles beyond Puttalam, the parties and number of wit-
 nesses had all to come to Chilaw, the justice had to leave
 his station (he being agent as well), to cover all the ex-
 penses occasioned by which and the great inconvenience

would have been saved, had the assizes been held at Puttalam. The only expense that it would entail is a few pounds as travelling allowances to the deputy Queen's advocate. As for the judge and his staff it can cost nothing, but will be rather a convenience, for there will be a day or two's rest given to the poor coolies. Altogether there was more consideration shown to the suitors and witnesses formerly than is shewn now. In Sir Charles Marshall's time the court was held at Chilaw, Puttalam, Aripoo, Manaar and Jaffna. Puttalam, Aripoo and Manaar are quite omitted now, and the poor native is made to leave his house and his field for days and weeks together, if he be interested in a criminal case either as suitor or witness, and if he has a case in a middle station, say Aripoo, he will have to go 77 miles to Jaffna or 88 to Chilaw! I had a case to try at Jaffna of aggravated assault from a coast village, in which the parties had to come more than 50 miles! There is ample accommodation at Puttalam, at Aripoo, and at Manaar, (I mean in buildings for the court, judge, and officers) and I cannot understand therefore why such want of consideration should be shown to the poor suitors independent of the good to the district which the periodical holding of the assizes in it cannot fail to produce. (The tappal arrives here from Colombo at 5 A.M., and leaves for Colombo at 2 P.M.)

We left Puttalam at four, but as the next rest-house station was 22 miles away, we stayed for some three or four hours at Waunatavilla, about half-way, where we arrived at eight. We had to encamp in an open place in the midst of a thick jungle said by the natives to be the favorite resort of elephants as being the only place within many miles round where there is a little pool of fresh water. By kindling fires all round, however, and allowing the coolies to make the noise which they are sure to make when congregated in numbers, we made ourselves quite

safe. After dinner (we brought a cold fowl with us from Pomparipoo), which we had to take standing with the top of the palanquin as our table, we got into the palanquin for a nap until the coolies were able to move on, which they did about 12 P.M.

From Puttalam we lost all traces of a road, and to get to Pomparipoo we have to pass through dense jungles, the palanquin being literally forced along.

About six in the morning (2nd March) we had to pass Pomparipoo river. This river rises ^{16 miles from PUTTALAM} in the mountains of Matale, runs ^{63 „ from COLOMBO.} north of Dambool, through the province of Nuwerakalawe, and, passing Pomparipoo, falls into the gulf of Calpenty. It abounds with alligators. In ordinary times it is easily fordable, but when the river rises, one is detained for days together at the bank. This happened once, I am told, to Sir W. Carr. Four miles beyond the river is the rest-house, the best on the coast road and in a fine situation. This is the last station in the north-western province, it is a fine country, and its name (Pomparipoo) signifies 'the golden plains,' given, it is said, on account of its fine soil. The population is scanty, and very little cultivation is now carried on. This used to be a favorite resort for shooting. We were not long before we had some fine wild pork (killed the night before) brought for sale for a mere trifle, and we were told that there were lots of peacocks, deer, &c., to be had. (The tappal from Colombo leaves this at 6 A.M., and that from Colombo reaches it at 2 P.M.)

I may remark here, that if you give notice of your coming —(the judge's secretary should post letters from Chilaw to the different rest-house keepers, informing them when the judge will be at each place)—you will always get rice, paddy, poultry, eggs, milk, and, if you wish it, sheep, at very cheap rates. But this notice must be given, or one stands a chance of coming to a place where there is

not a grain of rice to be had. This happened to us at Illipecadde. The coolies, servants, &c., were positively getting mutinous, and I had to threaten to lay violent hands on some sheep (which the coolies thought were, of course, not equal to rice, but would do fairly enough in its absence) when the villagers got together and produced some new paddy which had to be ground into rice.

Time was when the government agent gave notice in the villages of the coming of the supreme court. The headmen were in readiness to receive the judge at the rest-house, and to supply him with rice, chools, &c., (all, of course, for payment), but this good old custom no longer exists. It might have been necessary to abolish the other useless forms, tom-toms, body-guard, &c., which attended a judge, but it is a pity that with them these useful, and, as it appears to me, indispensable, attentions were put an end to. It costs the agent nothing to give these notices, it costs the headmen nothing to pay these attentions, for whatever they supply they get liberally paid for—but it saves the judge and his party much inconvenience and annoyance to see their servants and coolies having to go about asking for one thing or another. Irrespective of all this, an entire withdrawal of all these attentions cannot fail to exercise a pernicious influence on the native mind: an agent, aye, the assistant agent, goes on his tour, and his visit is announced days before, and the headmen and principal inhabitants flock to receive him. It is only by the barest accident that any one knows of the approach of a judge. A native positively told me at Vangalle that the advent of (a native justice of the peace) was a much more important event in his district now-a-days than that of a judge of the supreme court, and he had seen the days when Sir Alexander Johnstone or even Sir Charles Marshall used to travel with torch-bearers all the way provided for

them, tom-tom beaters preceding them, and fresh relays of coolies at each station to help them on. It is a mistake to disregard appearances too much with an eastern population, particularly in the case of those who hold offices in which their usefulness depends much on the moral influence they exercise over others.

We left Pomparipoo, 2nd March, 4 P.M., and having

8 miles from POMPA-	passed the Modnegam river, which
RIPOO	separates the north-western from the
123 „ from COLOMBO	northern province, reached Marcha-
95 „ from JAFFNA.	killy at about seven in the morning,

(March 3.) The rest-house is in a tumble-down condition, and you find a notice put up signed by Mr. Byrne, in charge of the roads department, that it is unsafe to remain within it. The out-houses are all very bad. There are, however, some tamarind trees round the bungalow, under which you may take shelter, and the outer-verandah does not look so bad as the inner premises. We left Marchakilly about 3 P.M., and reached Kulaar (rock river) seven miles off about 5 P.M. The river was all but dry. On its bank stands an old Hindu temple now in ruins. Those who go to the pearl fishery stay here to make their offerings, and at one time a share of the pearls fished on the banks off Condatchy belonged to the priests of right.

The great part of the road from this to Condatchy, five miles off, is along the sea shore (sometimes in the sea up to knee deep) and over rocks, some so precipitous as to make us within the palanquin rather nervous. Care should always be taken to pass this place before night-fall. We reached Condatchy at 8 P.M. The gathering for the fishery had commenced, and the appearance of the place with its thousands of traders bustling about was not a little exciting. Either the Doric (fine large building erected by Frederick North, Lord Guldford, the first English Governor in Ceylon) or the military buildings,

fine tiled houses, are generally fitted up for the judge, but at this season they were both occupied, the former by the superintendent of the fishery and the latter by the troops, and a temporary rest-house was erected to which we repaired. The tappal uncertain. In fact, however excellent may be Mr. Dyke's arrangements in other respects, the tappal when once you enter the northern province, becomes uncertain, whereas until then the hour it comes and goes is pretty certain. This arises, I am told, from the tappal in the north being carried by contract. The contractors do not pay the men, and they work or not as they please.

Next day (4th March) we left Aripoo at 3 P.M., and

16 miles from MARCHA-
KILLY
141 miles from COLOMBO
74 „ from JAFFNA

reached Vangalle (eight miles further) about 8 P.M. There is a Catholic chapel here with a French priest (Rev. Father Floraa) who kindly

allowed us to stay in his bungalow for dinner. We sent the baggage on at three and left the place about 4 A.M.,

12 miles from ARIPOO.
162 „ from COLOMBO.
85 „ from JAFFNA.

and reached the village Mantotta at seven in the morning. The province is called Mantotta (Maa-tottam)

great garden, from its extensive cultivation, and it is within it that the giant's tank was constructed by the native rulers for purposes of irrigation. The tank is now out of repair and cultivation, and but very slightly attended to. There is an old Portuguese church built of stone in 1706. The walls of the main building are alone standing, and quite roofless. The two side verandahs, however, are covered in with cadjans and used as a rest-house, here too is a notice apprising passengers that it is not safe to enter into or use the place. After

9 miles from MANTOTTE
162 „ from COLOMBO
56 „ from JAFFNA.

waiting a bit to get some coffee, we pushed on to Verteltivo, which we reached about ten. There is a Roman Catholic chapel (St. Santiago) here, in which the people

kindly allowed us to stay. The village is in the district of the Wanny, but subject to the agent at Manaar. I understand it is the only place in the road where gang robberies (which used to be very common formerly on this side) are still heard of, and the only case I heard of gang robbery, in which some five men entered a house in the day time, burnt a man and brutally tortured a woman by placing two sticks across her breast, and pressing them together at either end, was from this district.

We left the place about three and reached Illepekad-
doo at six. Here the tobacco plan-
tations commence, and palmirah
trees begin to be seen. I have
already recorded the bother we had here to obtain rice. We had the same difficulty as respects chool bearers, without whom and a supply of choools the coolies will not leave the place, for the road is covered with thick jungles and very much infested with elephants. We left Illepecadde at 9 P.M.; the coolies kept all close together and made a terrible noise. We saw no elephants, but the chool bearers said they saw a hord of five, which was not unlikely, for in one place we observed that they increased the noise and suddenly stopped their journey. No fear is entertained, as the elephants are very timid and excepting there should happen to be a rogue elephant they never attack parties going as we did.

About 12 we reached Pallaar (six miles from Illepe-
cadde), and the coolies lay down to
rest awhile. An old salt store (now
used as a tappal station) stands on a
plain here. We pushed on after-
wards and reached Polweroyankadoo on the morning of
the 6th. There is a fair rest-house here, and we did not
leave the place till 7 P.M.

It was after leaving Polweroyankadoo we came across
two streams where the coolies had to lift the palanquins

5 miles from VERTILTIVO
168 „ from COLOMBO
50 „ from JAFFNA.

14 miles from ILLEPE-
CADDE.
183 „ from COLOMBO.
35 „ from JAFFNA.

on their shoulders. One feels rather nervous to be inside a palanquin so carried, but the coolies are quite firm, and laugh at your fears.

We reached Pooneryn at five on the morning of the 9th. The rest-house is situated in 16 miles from POLWHE-
ORYANKADOO a small fort built by the Dutch, and
201 „ from COLOMBO. is in a very bad condition. Here
17 „ from JAFFNA too is one of Mr. Byrne's notices.

We were obliged to stay here till 10 A.M., when the wind was expected to change and enable the boats to start for Jaffna. This is a very interesting place, paddy cultivations very extensively carried on, and the people seemingly very happy and contented. Palmyrah topes with neat cottages in the midst of them meet our view in all sides. These palmyrahs look pretty from a distance, but very ugly as you approach near to them. Sir William Carr described them as bottle brushes, Mrs. Edgar Layard as turned-up-mops, and others again apply the poetic figure of an 'arrow shot from the sky,' which was however, first said, and with greater truth, of the areca-nut tree.

We left the place about ten, and after being carried for about a mile had to enter the boats and set sail for Jaffna. The wind was not unfavourable, so after five hours' tedious sailing we reached Colombo-torre at four, whence we were carried again three miles further to the town of Jaffna.

At Jaffna there were nine cases in the calendar. In two, the prisoners pleaded guilty, the other seven took a day each, so the court which was opened on the 9th, did not close till the 16th. The best and most intelligent jury in Jaffna are on the Tamil list. The English jury, as it is so called, is composed of the young Malabar men educated at Batticotta seminary; they are men of no property, and have therefore little or no stake in the country, they derive their subsistence chiefly by drawing pleadings

and petitions, which bring them in contact with the litigants, often the prisoners, with whom they not unfrequently make common cause. The burgher young men, whose names also appear in the English jury, are, many of them, but sorry specimens of their class. I had the English jury called but once, and though the evidence was clear to demonstration, and the proctor for prisoners did not address the court on behalf of his client, he was, to the surprise of all, acquitted.

I ought to add that in Jaffna the judge must act as counsel for the prisoners. Mr. —, who generally appears for them, is a very good-natured man in his way, but quite innocent of the rules of law or evidence. He has a stereotyped form of questioning the witnesses and addressing the jury which every judge, since the days of Sir Charles Marshall, must have seen him make deliverance of. He is most useful, however, in getting out all the quarrels and law suits which the prosecutor and witnesses have had against the prisoner, in respect of which the depositions give the judge no information.

Mr. — is a most careful and painstaking crown law officer. His anxiety to draw out all information and call every witness, instead of previously separating the wheat from the chaff, and presenting the former only, makes the proceedings very tedious, and precludes the possibility of your getting over more than one case a day. He is rather fond also of putting and pressing improper questions, as to hearsay, &c., which obliges the judge to be always on the watch (for the proctor for prisoners never objects to them) lest improper evidence go to the jury and an impression be unfairly raised against the prisoner.

One part of the work which I found difficult to perform satisfactorily is the examination of record books. By the rules and orders for police courts and courts of requests (Sec. 1 of Rules of 17th June 1844, page 136, and Sec. 1 of Rules of 21st October 1844, page 144) the record

books of the police courts and courts of requests are to be produced and submitted to the judge of the supreme court on the first day of each sessions. The object of this rule was to enable the judge to examine the books and see that everything was in order, and, if need be, to report to the executive any serious instance of violation of the rules or law which the books may disclose, and this was carefully done at the commencement of the working of the system. But their proper examination takes up much time. At Chilaw, for instance, you have books from two districts (Calpenty and Chilaw) to examine. At Jaffna, books (two from each place) from Jaffna, Manaar, Chavagacherry, Point Pedro, Kaits, and you ought to have—but these were not sent owing, I suppose, to the distance—some from Mulletivoe, Trincomalee, Anaradhapura, and Batticaloa. Each of these books embraces the proceedings for a term of six months (since the last judge was on circuit) and it is impossible during the sessions to examine them with anything like proper care. I had to return several without any examination at all.

It appears to me that these rules should be abrogated and a full appeal from law and fact given from decisions of police courts as is now possessed in respect of the courts of requests. Any examination of the books merely, however searching, must fail in its object of fully discovering the mistakes and abuses that prevail in the lower courts. Rather than that the judges should attempt what they cannot properly perform, or what must prove ineffectual, however carefully performed, it were better to leave to the suitors, to whom the work legitimately belongs, the work of exposing evils, care only being taken that no technical difficulty arising from a limitation of the right of appeal, as is now the case in respect of police courts.

The places in Jaffna worth visiting are the boarding school for females at Uduvilli under the American mission-

aries, and the Batticotta and Manipay establishments, also under them. The schools under Mr. Walton in the town, and the two heathen temples Candasamy and Seeva. The towns of Point Pedro, Vertellivoe and Chavagacherry, are well worth visiting.

Gave a dinner on Friday, March 13. Company, Mr Prime, Captain Rutherford, Messrs. Murray, Morpew, Birch, Purcell, Wodehouse, Morris, Gillman, Mutukistna, Gordon, Rev. Mr. Walton, Dr. Sortain, and myself.

Visited Manipay and Batticotta mission stations. I examined boys schools, 120 fine fellows.

Went to Pedro March 17th, breakfasted with Mr. Kilner and his wife; went round to Oodamuly and the mission establishment of Mr. Lord. Returned at 4 P.M.

From Jaffna the justice proceeded to Batticaloa where, he says, 'We had a bloody session, bad murders. One in particular, where a man had killed his wife, her mother, and a child. If we must hang, and I am not at all satisfied that we ought, this is just the kind of case I should like to begin passing sentence upon. Consequently, for all my previous scruples, I put on the black cap without compunction and passed sentence of death. In accordance with my recommendation, thinking the effect would be greater, the murderer was executed at Batticaloa.'

The return to Colombo was accomplished in a country vessel, and for some months the ordinary routine of an appellate court absorbed all time and attention, police court finals, and district court interlocutories vexing the souls and worrying the brains of the judges.

When the summer assizes came round, Mr. Justice Morgan took the southern circuit, whither he drove in his own carriage, taking his wife and family with him, accomplishing the journey from Colombo to Galle in three days. The year passed quietly, little occasion of interest

or concern occurring in the island,—indeed all insular interests were absorbed in the attention concentrated upon the struggle in India, to which English troops (from Colombo) were sent, and in aid of the sufferers by the mutiny a large subscription was raised.

In November, Mr. Selby, the Queen's advocate, was taken very ill, and it was necessary he should proceed to England. Mr. Justice Morgan received a very complimentary letter from Sir Henry Ward, the Governor, asking him to leave the bench and become acting Queen's advocate. In that letter Sir Henry wrote:—'Your high standing at the bar, your experience in the Legislative Council, and the capacity that you have evinced as a judge while acting as a member of the supreme court during Mr. Sterling's absence, afford the best security that I shall find in you the qualities that are required for the executive council, while your intimate acquaintance with the character and habits of the native population will give additional value to your views upon all matters connected with their interests. I have much pleasure therefore in making this proposal to you.' Justice Morgan consented.

The move to an acting appointment, professionally, was a downward one, but it had attractions for the puisne justice of various kinds. He highly appreciated the dignity of the bench, but the dulness of the duties worried him not a little; he hungered for the fray at the bar and busy political action. When to these was added a pecuniary reason—the Queen's advocate being permitted private practice,—and the desire for a visit to England to place his eldest son and two daughters at school being determined upon, Mr. Justice Morgan determined to lay dignity aside for more substantial advantages. On the 17th of November the Queen's advocate was sworn in a member of the executive council under a salute of eleven guns.

The post, however, was not permanent. Mr. Morgan only acted for a time, until, in fact, the place could be filled from England, the opinion then being very strongly in favour of closing as many avenues as possible to deserving Ceylonese, and conferring positions demanding, above all things, local knowledge, upon strangers, generally upon men so old in years that they were incapable of adapting themselves to the new circumstances in which they were placed. A true and veracious account of the mischief which has been caused in the colony of Ceylon alone by such proceedings, if carefully collated and all told, would form a sufficient indictment to secure the utter condemnation of the policy pursued by the Colonial Office. Mr. Byerly Thomson, a barrister, was appointed Queen's advocate, and Mr. Morgan made preparations for his long contemplated visit to England. Very strenuous attempts had been made by Mr. Morgan's friends in England to secure for him the permanent post of Queen's advocate. The directors of the Oriental Bank Corporation and Mr. E. J. Darley, both addressed the Secretary of State for the colonies, Earl Derby (then Lord Stanley), pressing Mr. Morgan's paramount claims for the post. An official *Non possumus*, however, was the result, the refusal being couched in the usual official language that the interests of the state demanded that an English barrister should be appointed to the post, and that this had been done.

It is a pity that nowhere amongst Sir Richard Morgan's papers can be found a record of his matured impressions of England as the heart and head of a great empire. Only those who having once resided in Great Britain, and have lived in the colonies of the widespread British dominions, can form any conception of the exaggerated feelings which are held by colonists regarding England. The educational and cementing value of those feelings cannot be too highly estimated. Distance lends enchant-

ment, the unknown exercises a great influence, with the result that a kind of worship is induced which only finds complement in a visit being paid to the shrine to which much devotion has been paid. After the visit no Haji from Mecca is more satisfied with himself and proud of his achievement than is the family of British subjects who have visited England and returned. The precise educational value of this sentiment is not easy to estimate, but it has a good deal to do with the cohesion of the particles which make up the empire of Great Britain. What at first sight may seem most curious is that people whose 'forbears' have been Dutch and oriental come to speak of England as 'home,' and regard the hive whence so many busy Britains have swarmed as their ancestral abode and claim to share in the glories which attach to England.¹ This is as it should be in an empire of diverse races and widely-separated countries, if the empire is meant to endure. In Mr. Morgan's case the existence of this feeling should not be a matter of surprise. His grandfather was a Briton, he had himself once visited the country, his best friends had been Englishmen, he had mixed much with them, had engaged in political combat side by side with them, and had sometimes led them to victory. Certain it is that this visit was looked forward to as the chief event of Morgan's social life, not only by himself, but also by his friends, in whose esteem he was magnified by the journey he had decided upon. This feeling of respect towards the (then) late acting Queen's advocate found full expression in tokens of esteem. He

(1) In a letter dated Colombo, August, 1878, received whilst these pages were going through the press, a Eurasian gentleman of Dutch descent, writes to me.—'We burghers, Dutch descendants though we are, most of us, are Britishers every bit. Who thinks of Vaderland? All our aspirations, all our hopes, all of our sympathies are "British." Holland is a dim picture. The generation who, to some extent, thought and spoke of Holland, has died off. *Vivat Regina!* I don't think I would have stepped out of my verandah to see the King of Holland if he visited Ceylon; but I would have run ten miles to see the Prince of Wales. In this respect I am an Englishman, although, like St Paul, *een Burgher geboren*. You will remember my moving from the Dutch Bible that St. Paul was a burgher!'

occupied a large space in the eye of the public, and was to be honoured accordingly. He says, 'For weeks prior to our departure we were dining out every day—at Sir Charles MacCarthy's, with Mr. Alwis, (who gave a ball afterwards) and elsewhere.' One interesting event occurred on the way to Galle to embark on the P. & O. Steamer for Europe. When passing through the village of Moratuwa, the home and property of a wealthy Singhalese gentleman, Mudaliyar Susew de Soysa, the carriage was stopped, and, as an expression of esteem, a purse containing one hundred sovereigns was handed to Mr. Morgan by his admiring friend. The voyage across the Indian ocean, up the Red Sea, *viâ* the desert and Cairo through the Mediterranean has been too often described to admit of the notes that were made by Mr. Morgan being printed. Twenty years ago, however, it was not so, and the memoranda made then, which still exist, would prove of considerable interest to Morgan's personal friends and connections who have not made the journey.

This visit to England is thus summarised :—'Spent our time in England in sight-seeing in London, visiting the chief provincial towns and Wales, conferring with Sir Richard Bethell and Mr. Erskine (of the privy council) on the Rajawella case, drawing up appellants' case, going out to dinners, parties, theatres, operas, ballets, concerts, &c., &c., all the time worried by the dread shadow of that approaching parting with our dear children which every day that passed brought nearer.'

The interval, as has been stated, was partly occupied by business and partly by pleasure, and possibly, a better idea could not be given of the manner in which the time was spent than by quoting a few of the letters which Morgan received whilst in England. It must be remembered, however, that his object in visiting Great Britain was three-fold, viz. ; (1), to place his children at school ; (2), to qualify for the *status* of an English barrister ; and

(3), as counsel for the Rajawella case, then before the Privy Council. The two last-named objects brought him into contact with a great many legal gentlemen of the highest position and character. Amongst others, of whom records exist that he was on more or less friendly terms, were:—Lord St. Leonards, Sir Fitzroy Kelly, Sir J. Stuart, Sir Edw. Ryan, Sir W. Page Wood (Lord Hatherley), the Right Hon'ble Spencer Walpole, R. Malins, M.P., Sir Hugh Cairns, (Lord Cairns) Lord Justice Bruce, Lord Campbell, Sir James Stephen, and the Right Hon. Russell Gurney. He also breakfasted on one occasion with Sir Benjamin and Lady Howes,—most surprising event of his visit, for Sir Benjamin (then Mr. Howes) was the Under Secretary of State who strongly resisted the enquiry into Ceylon affairs which Mr. Morgan, through Mr. McChristie, secured.

To turn, however, to the chief business object of the visit, viz., the application to the benchers of Lincoln's Inn that a dispensation from the usual routine might be granted to the Ceylonese advocate and judge. Considerable interest was excited by the lawyers mentioned above to procure the dispensation, and the effort was aided by letters from the Governor and the Executive Council of Ceylon, also from Sir W. Carpenter Rowe, chief justice, and others. The sequel and the success will be found in the following documents:—

TO THE HONORABLE SOCIETY OF BENCHERS IN LINCOLN'S INN

The Memorial of RICHARD FRANCIS MORGAN

SHEWETH,—That your memorialist is a native of the island of Ceylon, and after having gone through a course of education such as the colony afforded, visited England in 1840, with the view of completing his general education, and, by serving his time in one of the Inns of court, qualifying himself to be called to the English bar. Owing, however, to the sudden illness of his brother, upon whom your memorialist depended for his expenses, he was obliged to return to Ceylon within six months of his arrival in England.

2 That on your memorialist's return to Ceylon, he was, on the 31st December 1840, admitted a proctor of the supreme court of the island and of its district courts, he having before then served his apprenticeship, and, as the

See appendix A.

Rules and orders of 5th March 1838 rules of court then in force required, undergone examination presented by the rules of court

3 That your memorialist practised as a proctor (an office analogous to that of attorneys and solicitors in England, with the privilege, however, of pleading in the courts of the island in all cases without the intervention of an advocate, for there was then no division of the bar in Ceylon) until the 31st day of January 1846, when he was admitted and enrolled an advocate of the supreme court, he having passed for that purpose

Rules and orders of 30th December 1841 the further examination which the rules and orders of the court prescribe for the admission of advocates. On the 9th February of the same year, your memorialist was also admitted and enrolled as an advocate of the vice-admiralty court

4 That on the occasion of the promotion of Mr Justice Temple from the district court to the bench of the supreme court in 1856, the then Right hon'ble the Secretary of State for the colonies decided that none but a professional lawyer should be appointed district judge of Colombo (the practice in Ceylon having been before then to appoint to judicial places men from the civil service, who had never studied the law and practised it) and required the Governor of Ceylon to appoint a professional lawyer, if any such qualified for the office could be found in Ceylon, or if not, to report the same to the Secretary of State who promised, in such case, to send out a man from the English bar That Sir Henry Wad then, after conferring with the hon'ble the judges of the supreme court, nominated your memorialist to the post, and he was accordingly appointed to it in 1856 by the warrant under the royal sign manual of Her Most Gracious Majesty Queen Victoria

5 That your memorialist assumed the duties of district judge of Colombo on the 16th October 1856, and held it till the 24th December of the same year, when he was appointed to act as puisne justice of the supreme court of the island in the room of Mr Justice Sterling, who left Ceylon on temporary leave of absence.

6 That whilst your petitioner was occupying a seat in the supreme court, the hon'ble W. C. Selby, Esq, the Queen's advocate of Ceylon, was obliged to leave Ceylon on account of ill-health, and your memorialist was requested by the Governor to vacate his seat on the bench in order to assume the duties of Queen's advocate, (analogous to that of attorney-general here with the additional duties of public prosecutor, there being no grand jury in Ceylon,) which he did on the 10th November 1857. That Her Majesty having been pleased to appoint Mr. Henry Byrle Thomson of the English bar to the office, on the death of Mr. Selby, your memorialist was relieved from the duties of it on the arrival of that gentleman in Ceylon in July last

7 That the Ceylon charter of justice does not in terms require that the district judges or even the supreme court judges should be of the English bar, yet it is felt most desirable that they should become members of it Your memorialist has always been anxious to be admitted a member of it on account of the respectability and distinction which attends it he wishes also, filling as he does, a high and influential office to do whatever lies in his power to encourage the young men of Ceylon to qualify themselves as English barristers. There is another reason which renders him anxious to secure a call to

which he cannot refrain from making allusion. Your honourable society in January 1857 called to the English bar, by granting a dispensation of the usual terms, the very gentleman who, as a member of the Ceylon civil service, held provisionally the appointment which has been permanently conferred upon your memorialist, although his claim was founded upon his having been merely a member of the civil service, and not qualified by having been a practitioner of the Ceylon bar or educated for the legal profession. Your memorialist, feeling as he naturally does, that the distinction is one to which he also may legitimately aspire as a person who has been trained in, and has practised, in the profession for a series of years, and has afterwards by the common consent of the profession, the public and the Government (as the papers in the appendix will abundantly testify) been appointed to high judicial places, he is most anxious that your honourable society should confer upon him that distinction.

8. That your memorialist applied for leave of absence to visit England with the view of qualifying himself to be called to the English bar, but, though the Government and the hon'ble the judges of the supreme court were anxious that he should obtain that distinction, the Governor could only give him nine months' leave, and even that is subject to the condition that your memorialist should, if necessary, return to Ceylon earlier upon notice given, as Mr. Temple, the second puisne justice of the supreme court, is anxious to visit England, after an absence of eighteen years, and only awaits your memorialist's return to Ceylon to fill his place to enable him (Mr. Temple) to leave the island.

That your memorialist was entered as a member of Lincoln's Inn on the 28th January 1858, and is now keeping his terms, and has paid for, and intends to attend the lectures, constitutional law and legal history, equity, jurisprudence and civil law and common law.

Your memorialist respectfully prays your honourable society in consideration of the premises to grant him a dispensation of terms, so as to enable him to be called at the first call of bar made by your hon'ble society.

The Colonial Office—at the head of which was the first Lord Lytton—also exerted itself in the manner which will appear from documents cited as follows :—

DOWNING STREET, 6th November.

THE TREASURER AND BENCHERS OF LINCOLN'S INN.

GENTLEMEN,—Secretary Sir Edward Lytton desires me to forward to you copies of two despatches from the Governor of Ceylon, in which the object for which Mr Morgan, the District Judge of Colombo, has repaired to England, is fully explained. Sir Edward Lytton desires me to state that the reports which have reached this office as to the character and fitness of Mr. Morgan for the honor of being called to the English bar, relieve him from all hesitation as to the support he should give to Mr. Morgan's application, and I am accordingly to inform you that if it is possible for your

benchers to meet Mr. Morgan's wishes, Sir E. Lytton will derive much satisfaction on receiving an intimation to that effect

I am, &c ,

T. FRED. ELLIOTT

No. 42, *Civil*

QUEEN'S HOUSE, COLOMBO,

13th August 1858

SIR,—I have the honor to enclose copy of a letter from Mr. Morgan, D. J. of Colombo, applying for leave of absence for nine months to proceed to England on urgent private affairs

Mr. Morgan has explained to me that the object of his intended visit is, that he may take the necessary steps to be called to the English bar, as well as make arrangements for the education of his children in England. Although Mr. Morgan's term of service under this Government is short, he was, as stated in his letter, employed as an unofficial member of the Legislative Council for a period of five years before his appointment to the public service. He has also been very useful in the important posts which he held recently as a judge of the supreme court and as acting Queen's advocate, and as, moreover, a compliance with his application at the present moment, will not be attended with any inconvenience to the public service, the arrival of Mr. Thomson from England having relieved him from the latter office, I have, with the concurrence of the ex.-council, granted him the leave solicited.

I enclose the usual certificate containing the particulars required in the regulations for the grant of leave of absence to public officers.

Mr. Morgan's duties as District Judge of Colombo will continue to be performed by Mr. Lawson under the arrangement reported in my Despatch, No. 239 of the 26th December last, and it is due to that gentleman to add that the manner in which the business of the court has been conducted during the last nine months has given general satisfaction.

I have, &c.,

H. G. WARD.

Sir E. B. Lytton, *Bar*

No. 46, *Miscellaneous*

14th August 1858

SIR,—I have been requested by Mr. Morgan, long a leading member of the bar in this colony, and now District Judge of the court at Colombo, who is visiting Europe on leave, under the circumstances stated in my Despatch, No. 42, to solicit your kind intervention in his behalf at the Inns of court, in order to facilitate his being called to the English bar, during his short stay in England. Mr. Morgan is informed that dispensations are frequently granted by the benchers upon such recommendation: And as he has already held one of the highest judicial offices in this colony, having acted twelve months as a member of the supreme court during the absence of Mr. Sterling, I venture to solicit your favourable consideration of his request, which, I know, would be viewed here with much satisfaction.

I have, &c ,

H. G. WARD

Sir E. B. Lytton, *Bar*.

The following remarks were endorsed on the petition :—

'On reading the memorial of Mr. R. F. Morgan and the accompanying papers it was decided that a dispensation in terms be granted, and that he is at liberty to be proposed at the court to be held this day for proposing further which called at the bar,' and on the date in question, Mr. Morgan's call was moved by Lord Justice Knight Bruce.

Favoured with so much influence and interest, as has been stated, the dispensation was granted, and, on the 16th November 1858, Richard Morgan became a member of the bar of Lincoln's Inn. Congratulations poured upon him from all sides, one of which—from Sir Richard Garth, chief justice of Bengal at the time this biography is being prepared,—may be given —

TEMPLE, 16th November 1858.

MY DEAR SIR,—I most sincerely rejoice with you in having effected your object. I saw several of the benchers upon the subject, and they all assured me that, under the circumstances, you were sure to obtain your dispensation. Had there been any doubt about it, my good father-in-law, Mr. —, would have come up from the sea-side for the purpose of rendering you his aid.

I presume you will now lose no time in making your arrangements for returning to Ceylon.

Please remember me most sincerely to our good friend —, and

Believe me always,

Yours faithfully,

(Signed) RICHARD GARTH.

R. F. Morgan, Esq.

Through some oversight the oath of allegiance was not taken by Mr. Morgan, and this omission was discovered only on the eve of his departure from England. Sir H. T. Erskine was applied to, and this letter was the result :

LINCOLN'S INN, 20th April 1859.

MY DEAR SIR,—The statute 1, G. 1, stat 2, c. 18, requires all barristers to take the oaths of allegiance within three months after practising in any court in England.

There is a legion of subsequent acts, and I cannot venture to say how far the provisions of the acts extend to the colonies.

I do not think that the omission to take the oaths could affect your status as English barrister, and practically the Annual Indemnity Act removes all consequences of an omission; but as you have taken this step in order to carry with you to Ceylon the advantages of the status, I should, in your place, complete it by taking the oaths, which may be done any morning in

the bail court where, however, according to my recollection, it is necessary to produce some document which you receive from Lincoln's Inn

I hope if you come down hereabout, I shall have the pleasure of seeing you

Yours faithfully,

(Signed) H. T. ERSKINE.

R F Morgan, Esq

P.S.—Our courts sit on Thursday 21st April, and until Wednesday the 27th.

It does not appear that the oath was ever taken.

In the meanwhile the Rajawella case was occupying a great deal of Mr. Morgan's attention, and he was frequently in consultation with the eminent counsel engaged. For his services in this case he had received, prior to leaving Ceylon, a fee of £1,000 from the Oriental Bank Corporation, the largest amount ever paid as a fee to a member of the island bar. The proverbial 'law's delays' hindered the case coming before the Privy Council from time to time, till at length the expiry of Mr. Morgan's leave drew near. The agent of the Oriental Bank at Colombo brought the utmost pressure to bear upon the local government to grant Mr. Morgan an extension of leave, but this was impossible, as Mr. Justice Temple was proceeding home, and if Mr. Morgan did not return, his claims for promotion, he was told, would be overlooked. Each mail from Ceylon brought him shoals of letters from friends beseeching him to let the Rajawella case alone and return. The anxiety of the people of Ceylon is to be explained by the fact that Mr. Morgan was the incarnation of local claims receiving recognition, and it was highly desirable no single chance of maintaining the foothold gained should be lost. The newly-created barrister was naturally anxious to take part in so notable a case as that of Rajawella, especially in a court so notable and before judges so distinguished as those who presided over the Privy Council. He was even ready to swallow a good deal of pride in his anxiety to do justice to his clients, for it was discovered that he would only be

allowed to appear as a junior : he was not to be permitted to argue the case in Westminster as he had been in Kandy. A further postponement of the trial occurred ; this decided the question, and a passage was taken in the P. and O. steamer leaving Marseilles early in April 1859.

One episode of the English visit ought not to be passed over. Allusion has been made to the strange combination of circumstances and altered relations which permitted of Mr. Morgan breakfasting with Sir Benjamin Howes, who was under colonial secretary in 1849, and who opposed the enquiry into the affairs of Ceylon. More interesting still is it to find that with Sir Emerson Tennent, then president of the Board of Trade, Mr. Morgan became on the most cordial terms of intimacy. Ten years he had gravely discussed the impeachment of Sir Emerson. Many meetings took place, and frequent letters passed between them. From the sheaf of letters preserved, a cluster, not private but of public interest to Ceylonese of all races, is appended. Tennent's 'Ceylon' is a classical work, beyond comparison it stands among the myriad works which have been published regarding that island as Saul stood among his brethren, head and shoulders over them all. The passages now to be given will show the pains Sir Emerson took to be accurate in all his statements, and may serve to open the eyes of those who know nothing of authorship from practical experience of the enormous labour undergone by an author who 'verifies quotations' and tests alleged facts. The communications seem to have been received in the order in which they are placed.

I

Travellers in the East make constant complaints of those who sell in the bazaars that they cheat, because they accept less than one-half what they originally name as the price of any article

Now in Turkey, and elsewhere, it was explained to me, that this arose from the difference in custom between the people of the East and West. In the West and in Europe it is the practice of the *seller* to name the price, but in

the East it is the custom for the *buyer* to make an offer, and for him to name the price, so that when an European or an Eastern bazaar man asks what is the price of any article, he violates the usual custom, and puts on the seller the unaccustomed duty of naming one. Hence came the proverb of *caveat emptor* let every man be a judge of what he wants, both as to quality and cost.

Now I have been told that in the bazaars in Ceylon the same practice prevails, and that a native when he sees the article he wants, offers a *price* for it, but does not begin by asking what price the seller puts upon it. Can you tell me if this be the practice in Ceylon as it is elsewhere in the East and in India?

II.

Are there any unbridged rivers, now to be crossed in boats, between Galle and Colombo? In 1845 when I landed there were

The Gindura,
Bentotte,
Caltura, and
Pantua

III.

I return the *Observer* with thanks. Can you tell me how the word ambo (= mango) is spelled? Is it ambo—or amba?

IV.

What is the precise meaning of each of the three words? Pedura-talla-galla.

V.

Would you tell me the meaning of the two words—*bodde* and *pittiya*, which are the terminations of the names of so many places in Ceylon? Hal-bodde—Ram-bodde—Amban-pittiya—Nawala-pittiya.

VI.

I have always heard that the names of Pusilawa meant the 'valley of flowers.' Is this so, and

1.—What are the precise words in Singhalese?

2.—Another derivation is from the great Olombay bean, the puswael—pus-wael-awa. But what does 'awa' mean?

VII.

Can you throw any light on the origin and derivation of the word *curry*?

It is said, but erroneously, to be Portuguese—*carré*, but the Portuguese have no such word.

Curry was in use in Ceylon a thousand years before the Portuguese came to India.

It is said again to be from the Malabar word *cathay*, or the Hindoo que-moo. What say you?

VIII.

1.—Will you tell me what is the proper Singhalese name for the rice-cakes which the Europeans call *hoppers*? I remember seeing it spelled '*appa*.'

2.—Am I right now that Pedro-talla-galla is from '*yalla*,' the rock where grew the *talla* or '*leaves of the palm trees*' used for weaving into *pedura mats*.

The following passage occurs in De Couto's History of the Portuguese in Asia, (Decada v, liv vi, c ii, vol. ii, part 2, p 17.) Speaking of the sacred

IX.

footstep on Adam's Peak, he says his opinion is, that it is the footstep of St Thomas 'nos parece que podera sendo Bemaventurado Apostolo S Thomé'—and one reason he assigns is, that a similar impression, only made by the knees and not by the foot of St Thomas, was then existing in a stone quarry at Colombo, 'e assim mesmo humas nodos de joelhas, que estam impresas a dhá de hoje em huma pedra grande que edá na parte da pedreira de Colombo.'

Query—Where was the stone, and does it still exist?

X

On the rocks at the Galle-buck, between Queen's house and the sea, there are the remains of a santón's tomb, which is held in great veneration by the Moors of Colombo

Query—1, What was the name of this Mahomedan saint?

2, What was his story?

3, What the date of his death?

About forty years ago there was an engraved stone, which bore an inscription in Arabic characters, and recorded the death of an Arabian saint who died in the year 948 A D In 1815, it was serving as a door step to one of the houses in the Pettah see *Transactions* of the Royal Asiat. Soc, vol. 1, p 540

4, Is anything known of the stone now; or of the saint, whose name it bore?

5, or what building it came from?

XI

May I bore you with a little more Singhalese philology?

i.—The Galle-buck. This I have discovered in the Galle-baak or Galle-*baaken*—the *beacon* or light which the Dutch placed on those rocks

ii—But what does the Galle *face* come from? Is *face* any corruption of Singhalese?

iii—What does *Colpitty* take its name from? Is it Col-pittiya, the leafy village?

The note I sent you the other morning about *ambo*, is with reference to the name of Colombo; which it has been the fashion to derive from *Col-ambo*, the leaf of the mango. But this is not so The town was originally a village at the banks of the Kalany, and being at the ferry over that river was then called *Kalan-totte* This the Moors corrupted into *Kalambu* and *Culumbu*, and the Portuguese, in honour of Columbus, wrote it Colombo As to the leaf of the mango tree, it has no resemblance to a *leaf* and the mango tree (since imported from India) was then little known in Ceylon

XII

Can you tell me the title of the ordinance passed by Sir Henry G. Ward, for

1, reviving the customs connected with the maintenance of works for irrigation?

2, and the date at which it was passed?

3, and can you let me have the names of any places at which tanks have been repaired under it?

Mr. Morgan was not himself able to answer all these questions, and some he referred to friends at home. Mr. Lorenz wrote thus regarding one question :—‘ I have not been able to get any information whatever on the points you sent from Sir E. Tennent. Casie Chitty has put me on the scent respecting the St. Thomas’ stone, but I have not had time to follow it up. We expect a vacation in April for twenty days, and I shall then devote myself to a little “antiquities,” and write to Sir E. Tennent himself if I shall have succeeded in getting anything worth sending him. I asked old Herr of the kachcheri some days ago whether he had heard of the stone with the Arabic inscription, and he said, “There was no RECORD of it.” I find on reference to a note-book of mine, that I have a copy of the inscription which was sent by Sir A. Johnstone to Professor Wilson, and by him reduced into modern Arabic and deciphered. And I see it noted (but whence the thing suggested itself to me I know not) that the stone formed the “threshold or stepping-stone to the verandah of a Dissawe—qu ? Dissawe Beling.” This note was made some fifteen years ago when I was a boy, and I forget all about it. I shall, however, hunt up the houses of all the Dissawes, and endeavour to get at it.’

During his absence from Ceylon Mr. Morgan was kept well informed by his numerous friends of what was transpiring in the legal and political world in which he was a leading actor. Mr. (afterwards Sir) Charles McCarthy was a frequent correspondent, and one of his letters, dated 29th September 1858, gives a most interesting glimpse of the affairs then occupying attention. He wrote :—

‘ I have since heard with lively satisfaction the success of your main object in visiting England, by your rapid and flattering call to the bar. I presume your return to Ceylon will now not be delayed beyond the time you originally proposed, especially as Mr. Temple has applied for leave of absence. I hope of our meeting before your return. As you will probably have heard, I have

determined to delay no longer my long-projected trip to Europe, and have obtained from the Governor fifteen months' leave from the beginning of March next. I have engaged cabins in the steamer which touches at Galle about the 2nd or 3rd of that month, and we hope to be at Southampton in the first week of April. I look forward with some pleasure, as you may imagine, to seeing all my friends again, and 'taking a life bath in England' (as Montalembert has it) after an absence of nearly eleven years. My last arrival in Europe, in February 1848, was coincident with the downfall of Louis Philippe. It will be a curious, but not altogether unexpected chance, if I now come in for the upset of Louis Napoleon. I cannot think that in a country like France he will be much longer permitted to play such 'fantastic tricks before high heaven.'

Your account of Ceylon men and things in England is most curious and interesting. I can quite understand the rise and prevalence of opinions such as you describe about expenditure, &c. We certainly are going rather fast, and shall have to pull up, I think, before long. But it is not, as you justly remark, the money spent on irrigation works that is to be grudged, or that is likely to be excessive in amount. The alarming thing to me is the quantity of money thrown away on roads, on which there is not, and never will be, any remunerative traffic and the general tendency in all public departments, not sufficiently checked, to look on mere expenditure as a *bonum per se* without reference to its results—to think it, in short, a virtuous thing to spend money for the mere sake of spending it.

With regard to the railway, I find a good deal of alarm abroad here of the kind indicated in the enclosed letter which I cut out of the *Ceylon Times* of yesterday. I don't know who 'Colonist' is, though the editor, as you will see, speaks of it as a well-known signature.

I hear the directors in England are greatly offended (and no wonder) at the enormous expense of the inauguration dinner which will not fall far short of, if it does not exceed, two thousand pounds! I pleaded in vain against it at the time, for it seemed to me that the same end might be attained by a much cheaper *demonstration*.

With all this, our financial prospects are good. My estimate for revenue for the ensuing year is no less than £640,000, and, as you know, I always take care to be on the safe side in estimating. I have little doubt that the actual results will give over £650,000. If, instead of letting our miscellaneous expenditure go on increasing in proportion to revenue, we had been content sternly to keep it down for a few years longer to the average amount of the first few years of this decade, i.e., to about £400,000, we might have constructed the railway out of current revenue without incurring a farthing of debt. As it is, we shall still do well enough with common care and prudence, which, however, are somewhat uncommon qualities everywhere.

I dare say the columns of the *Observer* will have enlightened you as to a very unfair and uncandid attack made by the bishop of Colombo on the school commission, over which I have the honour to preside, an attack which I was obliged to rebut somewhat vigorously. I don't think his lordship will take up the gauntlets again in a hurry.

Our friend Darley has come back. Much as I always liked him, and greatly as I appreciated his sterling intellect and character, I find him much

improved by his residence in Europe. It is quite refreshing to come in contact with so much vigour and honesty in this somewhat relaxed intellectual atmosphere. The Governor has just offered him a seat in the Legislative Council, but, I believe, he has decided on *not* accepting it, a step which I regret, though I quite appreciate his motives for it.

Considering that the prosperity of Ceylon has risen to a great and unexampled height by the adoption of the policy Sir Charles MacCarthy condemns, his vaticinations acquire additional interest.

Mr Morgan's most genial correspondent from Ceylon, however, was Mr. Lorenz. In a letter written from the district court, Colombo, on the 15th of December 1858, Mr. Lorenz said:—

'I was anxious to write to you by this mail, but the debates in council and a heavy ship case in court completely overwhelmed me and it is just by good luck I have discovered that there is to be an after-mail at three to-day, and so, here goes

'You'll read fully in the papers the result of the Queen's advocate's two bills—the Cooly Immigration and Kandy Marriage bill. The former will, I believe, pass muster, but the latter was made a mull of. The Queen's advocate got very "obstipulous," and the Governor complained to me privately that I behaved with 'more than usual captiousness.' But it arose from a desire to save all that difficulty and mischief which must necessarily result from having *two* codes of law in Kandy. You will observe that cl 13 of the new ordinance only legalises such marriages as were contracted in Kandy, "according to the laws and customs prevailing there *at the time of the contract*." Now, seeing that all these laws and customs had ceased in 1840, at the confirmation of No VI of 1847, I thought it necessary that the words "at the time of the contract" should be omitted, and that the following words should be added at the end of the clause, "anything in the Ord. No VI of 1857 to the contrary notwithstanding." You have no idea how rancorously the Queen's advocate opposed this, as well as every other amendment, simply because I had just previously thrashed him on an amendment in the cooly ordinance, by which I got execution against poison recognised in cases under £10, recoverable as penalty! He quoted the judges of the supreme court against me and I next day appealed to the chief justice, who said he had not expressed any opinion on the 28th cl. of No VI of 1847, but had only said that no case had arisen for adjudication. And he privately requested the Queen's advocate to qualify his assertion—which he did not do! So I protested, and got Mr Wall to sign the protest with me. D. of course backed out, as he generally does, whenever I am on one side. You will read my protest in the papers. Now, if (forgetting for a moment that you are now a Government man—but remembering the good of the colony, and the mischief that must result from this most extraordinary piece of patch-work) if, I say, you can secure an opportunity of doing good service to the colony

I hope you will not fail to do so ; if it were only to have the bill sent back for re-consideration. It was not even referred to a sub-committee and what annoyed me most was the self-conceited style in which both Governor and Queen's advocate set about repealing a measure so carefully considered and deliberately settled.

'All the official members of council were with me. I need not mention Gibson, Caulfield, and Layard, because you are aware how careful they (especially the former two) generally are, and how unwilling to disturb ancient landmarks. But, of course, they were bound by "instructions." Bird was absent. Ederamansinger Mudaliyar, and the other unofficial member, not yet appointed.

'We have had field work since Thursday last. The Queen's advocate and all the rest of the bar against me. The case is one of a principal in the court praying that a fraudulent judgment obtained against him on the admission of his agents should be set aside. It took up five days, principally with the Queen's advocate's cross-examinations and speeches. I threw him over on almost every question, and had a most magnificent shy (in a good-humoured way) at him in my reply. Poor — (who acts for Lawson) was in an awful way, endeavouring all the time to get us to settle the case, telling *each party* that if he didn't settle, judgment would go against him. I was so annoyed at this that, in my reply, I complained of it, and said that after all the disadvantages I experienced in having the whole bar against me singly, and the fact that I had *notoriously* an honest and righteous case, it was *hard, uncommonly hard*, that the court should have looked to *me* to compromise the case. — felt the thrust. But he is going to give me judgment, if in the meantime he does not succeed in getting the opposite party to take a compromise, so as to avoid giving a judgment against his *chief*.

'This is all the news I have for you. Many thanks for your Christmas present, and the compliment you paid me in folding down the page about Caesar. But I *must* say, that I never read such rubbish in all my life. such unmitigated proposition. *Es gr.* (from memory). —

'That's what I always say, when you want a thing to be done soon, "Do it yourself ; do not leave it to be done by another !"

'To which I reply "Them's just my sentiments."

'Talking of poetry, what do you say to John Giles in the *Observer*? You will, of course, read the compliments which have been heaped on me, *in re* the grant-in-aid system. The Governor assured me privately that the sentiments he expressed in public only *fell short* of the obligations he felt for the satisfactory manner in which I had conciliated all parties. The bishop was within an inch of embracing me. He positively *called* at my house, to thank me.

'I hope you have seen old Malcolm and I hope you will see Holland before you return. Depend upon it, you will have lost a great treat if you lose the opportunity. In going through Holland, don't forget (when you are at Leyden) to call upon the —, at Warmond (2½ miles from Leyden). Their kindness will amply repay your visit. At Leyden, you should take up your residence at the 'Goude Zon,' a corner house in Breede street, kept by Juffrono Schlette, who knows how to make people comfortable.

'Don't forget to spend a few days in going through the British museum. You ought to ask to see Hermann's collection of Ceylon Plants, which so interested W. Ferguson.'

Another letter, dated 14th March 1859, contains some interesting facts about the *Examiner* newspaper becoming a burgher organ.

'I don't think I ever mentioned to you of our having purchased the *Examiner* from John Selby, and placing it in the hands of Louis Nell. You will be able to see for yourself how far we are deserving of public support. It pays its way, and has acquired fifty additional subscribers, since we took it up — picked a quarrel with us for not having supported his brother in a rubbishy dispute he got into with Dr —; and I had a little passage at arms with both the brothers and Dr. Ellhott on the subject, but have survived it. The consequence was that — had a shy at the paper, sneering at the "bevy of lawyers" who conducted it, a sneer which we took up, and administered another in return, which silenced the assailant at once. In other respects, we are doing "as well as can be expected." You will, of course, say, "Pray don't allow it to interfere with your business;" but I hope you will immediately correct yourself by saying, "Oh, by the way, Lorenz never did allow himself to be distracted from his business." Thanks be to old Driebig who taught me the trick

'Between ourselves, very high opinions have been expressed respecting the tone and spirit of the articles—ahem!—which have appeared in the paper. And if (as I hope) we succeed in keeping up the thing, Fred, Louis, and myself being a sufficiently strong staff for the purpose, we shall prove that Ceylon after all has arrived at a position when her children can speak out for themselves; and that, in doing so, they can exercise the moderation which even English journalists have failed to observe.'

England was left by Mr. and Mrs. Morgan in April, and on their way through France, several days were passed in Paris—most enjoyably. The projected visit to Holland had to be given up, owing to the urgent need for Mr. Morgan in Ceylon. At Suez the homeward bound travellers were glad to find the vessel in which they left Ceylon, the *Nemesis*, awaiting them, and without further adventure they arrived safely at Galle, having met with no accidents, and not having suffered at all, save through slight sickness in England caused by change of climate. Soon after landing, however, and whilst on the way to Colombo, the horses in the carriage bolted, an upset occurred, in which some of the occupants suffered severely, leading Mr. Morgan to note in his diary, with emphasis, the

story told of Sir Francis Drake, who was in danger of being drowned in the Thames. 'What!' said the navigator, 'after having been all round the world on boundless seas, am I to be wrecked in a ditch like this?'

Two letters from Sir Emerson Tennent are of interest and value. From one of them it will be seen there was some question of Mr. Morgan being made chief justice whilst in London, or soon after his return to the Colony. The first is dated London, January 3rd, 1859, and is as follows:—

'I deferred writing to you till I should be able to say something definite about the matter you are so much interested in. The steps which I took were these: in addition to personal communications as to your claims I thought it expedient to write a letter to the colonial office on the subject, and I accordingly wrote to Mr. Merivale, who, being a lawyer, has always the most influential voice in all legal appointments. I said that if of the two courses, either to send out a chief justice from home or promote a puisne to the chiefship, the former were adopted, I, of course, had nothing further to say at present, but that if the latter course were taken, then I thought that not only on personal but on *public* grounds, it would be wise and expedient to place you permanently on the bench—*wise*, because your individual qualifications are of the highest order, and your character appreciated and admired by your countrymen—and above all, *expedient*, to advance a man, who may be taken as the head and representative of the class of gentlemen *born* and *educated* in Ceylon. I have pointed out that the intelligence and importance of those gentlemen are every day increasing, that they fill the confidential places in every office, public and private; that it will bind them to the paternal British rule if they see their own men of merit signalized and advanced; and that of *all modes* of advancement none would so prominently recommend itself as placing

a gentleman of your rank on the bench, in which capacity your friends in every corner of Ceylon would be gratified by the sight of your elevation during your circuits through the island.

‘I have little doubt myself that when a vacancy on the puisne bench occurs, your claim to confirmation will be agreeably recognized. But I find that on the present occasion it is all but settled to send out a chief from the home bar. The man is not yet announced, but some eleemosynary whispers point to Mr. Isaac Butt, the M.P., for Youghal in Ireland. Mr. Butt is a most able man, but not, I apprehend, a very profound lawyer. He began life as a *litterateur*, and for many years edited the *Dublin University Magazine* and wrote for the press in various ways. Then he went to the bar and got a certain amount of practice, chiefly owing to his ability as a speaker, and his extreme views as a Tory politician of the ultra-school. He then entered parliament as a conservative, but gradually modified his views and opinions, and at length avowed himself a Liberal and something more. His parliamentary duties, interfered with his professional engagements, and his business altogether ceased. As he adhered firmly to the Whig government, it is more than probable that he will be rewarded by the chiefship of Ceylon. If so, you will gain the society of a most amiable, agreeable and able man.

‘Your own turn will come, and when it does, I shall always be ready to restate my strong conviction of your signal qualifications and superior claims.

‘As to your unhappy railroad, we are all in suspense here, awaiting the report of the contractors’ agents in Ceylon and the award of the engineers here. I sincerely hope and trust that it will end in discouraging *any* railroad in Ceylon at present.

‘I was sorry to see Sir Henry Ward’s angry message to Council, and his ill-judged and ill-founded attack on

Major Skinner. But Major Skinner's manly and dignified reply was so triumphant a defence as to silence the Governor's petulant and unwise attack.

'The success of my book on Ceylon has been truly astonishing. Three editions are exhausted, and we go to press again to-day with a *fourth* edition. I enclose you a paragraph, which you might hand to the *Ceylon Times*, mentioning the curious fact of copies of the second edition being sold for £4 each !

'I have had a nice letter from your son, which I enclose, as it will *gratify* you and his mother. I have written to him by this day's post.'

The second letter, dated White Abbey, Belfast, 30th August 1859, was as follows :—

'Two kind letters of yours are now unanswered before me. the last having followed me here from London. Once in each year, I come over to Ireland myself, as my landed property here requires an annual attention: and, then, each *alternate* year, my family accompany me, the intervening autumns being spent somewhere on the continent of Europe. But Ireland being my native country we have many attached friends, and two months pass away very happily in a tour of visits from house to house until it is time to return to London for the winter and parliament.

'We are now on one of these annual excursions among our relatives and friends, and going from one country-house to another: and in the midst of one of these your last letter has reached me. First, let me intimate that long ere this reaches you, my book on Ceylon will have been seen, in sheets however, in Colombo, whither I despatched three copies some weeks ago. The publication was delayed by intelligible causes; a long time was required to engrave the wood-cuts and maps, and then, no bookseller will publish a great work *in summer*, when everybody is out of London; they wait till

October, when the absentees are returning, and when country-houses are filled for the winter and *reading* begins, so my book will be out and in the hands of the public by the time you receive this. And, along with its appearance, there will be an article upon it in the *Edinburgh Review*, written by the greatest authority on Natural Science, now living,—Professor Owen, and as he has expressed a most favourable opinion of it, the work will be launched under good auspices. I hope to send *for your acceptance* one of the earliest of the complete copies, and it will gratify me to know that it gives you satisfaction.

‘I shall wait anxiously the arrival of the railroad papers which Mr. Swan has promised you to send for me. I am seriously concerned at all I hear about this sad affair; and your letter adds to my alarm, as I don’t see my way out of such a complication. How on earth are you to induce a company formed, *not of their own mere motion*, but at the invitation of Government, and under its direct auspices and guidance through an *official* director, how you are to induce a body so formed to surrender their contract, disburse the capital provided, and forego every advantage secured to them, is more than I can clearly see, and yet to go on, is to dare ruin deliberately.

‘You are now in the full fruition of your well-earned honours as a judge of the supreme court. I almost feel that I do injustice to the *individual* in the *amount* of gratification which I feel at seeing a man of your descent “in the highest places.” I fear that I am almost *more* pleased on the elevation of the body you belong to than in your *own* exaltation. But when I remember the venom which was so often called forth by every expression of my good opinion of the burghers I have a personal triumph in your success. I remember the *thrill* with which I heard the remark on one occasion, when I expressed, on my arrival in Ceylon, my surprise that I

had met none of the burgher gentry at the parties at which I had been received. "Oh no, the persons you have met constitute the *society* of Colombo, and the burghers are not included in that term." So here, by one turn of the wheel, a body of English officials found themselves in a position, at their will and pleasure, to exclude and taboo every gentleman of Ceylon from "society" in the land of his birth—and that, too, including men of ability and acquirements far in excess of the excluded. It is a *heartfelt* pleasure to me that the tide has turned, and that a burgher gentleman now takes the highest seat in the presence of the 'society' who assumed a spurious superiority over his fellow-countrymen. I thank you heartily for the copy of "Journey to Ceylon" which reached me safely; and which in complaisance with the wish of Mr. Lorenz, I shall carefully return to him.

'I do hope that on the first intimation of a *permanent* seat on the bench in Ceylon, you will write to me in order that, if I can be of any service, it may be rendered promptly in your behalf. And may I also remind you, that when any of your friends are visiting England, I shall be happy to receive them not on your account alone, but from my attachment to their country?'

For nearly four years after his return, events passed very quietly with Mr. Morgan, and without much change. He once more mounted the bench, in place of Justice Temple, on leave; and Sir William Carpenter Rowe, chief justice, having suddenly broken down, he became acting senior puisne justice, remaining in this position till 1860, when Sir Edward Creasy arrived to take the first place on the bench. In 1861, Mr. H. B. Thomson was nominated to the bench, and Mr. Morgan acted for him as Queen's advocate till the end of 1862. Mr. Thomson, on the return of the judge who had been on leave, reverted to his substantive post. Sir Charles MacCarthy asked

Mr. Morgan to act as deputy Queen's advocate for a time, especially as his assistance would be of great value to him legislatively. The Ceylonese community were annoyed at this request, considering that an affront was being put upon their leader and champion. Not so, however, did he view matters himself. He knew better than most others the strong prejudices which existed against any one born in the country occupying what is really the most influential post in the island, viz., that of Queen's advocate. This became to him a reason why he should strive to obtain it. He had also learnt that it was desirable sometimes to stoop to conquer, so he accepted the inferior post, intending thereby to strengthen his claim for the chief appointment when it became vacant. In this he acted wisely, for a few months after, viz., in January 1868, he received the higher appointment not only without any reserve but also with the most pressing and cordial desire of the Government. Then commenced thirteen years of the most valuable public labours which it has been the good fortune or opportunity of any man born under oriental skies to render to the country of his birth, since Europeans have been in the East. A new departure may fitly be noted by the beginning of a new chapter. Before, however, viewing Mr. Morgan in his career as an official, a letter from his pen addressed to his friend, Mr. Darley, may be published. Now, eighteen years after it was written, the counsels contained in it need strongly urging upon Englishmen in Ceylon and Anglo-Indians generally. Mr. Morgan wrote :—

THE WHITE BUNGALOW,
3rd June 1860.

MY DEAR DARLEY,—I called at Queen's house yesterday to make my salaam, and as usual was treated to a long homily on all sorts of subjects—the railway and the council being prominent amongst them. The rajah spoke at length, and in rather a melting tone of you, and the communications he had with you on the subject of the railway, and expressed his great regret that you would not aid him, at this juncture, by coming to the council. 'He

has the instinct of opposition in him' he said, 'but is so right-minded in all things, argues so fairly, and speaks his mind out so boldly and straightforwardly, that there is no man to whom I can listen with greater attention, and whose advice I am more willing to receive.' He said he understood we were great friends of old and wished to know why I thought you were so opposed to coming to the council, and whether you could be moved,—particularly now that he heard Mr Butler was coming out. I told him that I knew that on principle you always objected to give your time and attention to any work unless you could really do good in it, and that, when member of council, you often felt how powerless you were for good; that in addition to this, I believed that your business was absorbing all your time and attention and that you could not afford to give any to other matters; that I had not heard, and was not prepared to believe that Butler was coming or that it would make any difference if he did. Sir Henry went on talking on other matters and said that Mr Hawkshaw's report would certainly come next mail, that Brassey and Ogilvie and Peto had made their tenders which were unsealed for a week—the last extension being allowed by the Secretary of State to Captain Moorson's friends who were anxious to make a tender too.

It is not unlikely but that His Excellency will try you once more. I have been thinking of the matter since, and I am sure you will excuse the liberty I take in submitting my views for your consideration.

Much as you profess to dislike the colony and things colonial, more I fancy in joke than in earnest, no one, I am satisfied, is more alive than you are to the responsibilities which residence in a foreign land, and carrying on one's avocations there, entail upon an Englishman and a Christian. When the time comes, as I sincerely hope for your sake and that of your family that it soon will, for you to leave the island, you will doubtless wish to leave a name that will be remembered and loved; you will doubtless wish to have recollections and associations of some little good done by you, to look back upon. The present, I feel persuaded as much from the views I have heard you express, as from all the considerations I have been able to give to the subject, is a most critical time for Ceylon. On the decision that will be come to on the subject of the railway will depend, I much fear, our destiny for a quiet and moderate prosperity or for days of debt and distress and embarrassment in the time to come. The importance of the occasion therefore is obvious.

Next, look to yourself. I have too much respect for you to suppose you can be moved by empty words, and I know I should be only despised by you if I said that which I did not honestly and sincerely feel. But really there is no one amongst the merchants whose views will be received with greater attention and respect than yours by the Government or the public. Look to the officials—the General, Gibson, Skinner, Caulfield, Layard, Saunders, Sim, Braybrooke, by all of whom what falls from you will have far greater weight than what might be said by any one else; and if any man can bring Sir Henry over, or failing that, successfully oppose him, you are the person to do so. There is no one then who can join the council at this moment with greater prospects of usefulness than yourself. Considering the occasion, considering that by taking a part now you may do some good, or at least secure to yourself the consciousness of having done your best to avert mis-

fortune, will it not be well to make for a time the sacrifice which the duties will entail upon you, and join the council? You will recollect what a mess that body made of the affair last time. Ruin, positive ruin must ensue, if the trumpet now gives an uncertain sound, and that must be the case unless there is one in council clear-headed enough to understand the object in all its bearings, and strong-minded enough to resist the sophistry and fascination that will be largely used by those who will strive to fasten the mill-stone round our neck.

For a very different reason, therefore, to what would seem to influence the Governor in wishing you to join the council, but with all the earnestness in the world, do I wish you could overcome your objections and join the council even for a time, *i.e.*, until the railway difficulty is all settled and over.

You must excuse my troubling you with this; I had no idea when I commenced that I was going to write so long a letter. Don't take the trouble of replying to it. If I can get away from court early enough one of these days, I'll call and see you.

Believe me,

Yours very truly,

(Signed) RICHARD F. MORGAN.

CHAPTER VII.

CHIEF LAW ADVISER TO THE CROWN; POLITICAL TROUBLES.

1863—1864.

EARLY in 1863, Richard Francis Morgan was sworn in as Queen's advocate of Ceylon; the guns from the old Dutch fort announced the fact to the dwellers in the capital. The ardent Radical of 1848-50 had become a pillar of the State, and for fourteen years afterwards was a central figure in the land, at times seemed to be the pivot on which the chief affairs of Government turned. The district judge of Colombo (Mr. T. Berwick) used no more eulogy than was justifiable of the deceased when, the day after Sir Richard Morgan's death, he said, 'In all the affairs of the colony it is unnecessary to speak for of its history *ille magna pars fecit.*' Few men have ever attained to such wide spread and peculiar influence as he exerted. His position was unique and was recognised as such. Of local knowledge he was so full that his well-stored mind was apparent in all he said, and when Governors or colonial secretaries wished for information concerning particular despatches or the bearing of circumstances which had occurred at any period for thirty years, what was needed was furnished from the rich stores of his memory.

The events of the period to be dealt with in this and succeeding chapters at first sight appear to give colour to the remark, repeated more than once after Morgan's appointment of Queen's advocate had been confirmed,

'Ah! the old story. The Radical has turned courtier when office is in sight.' This was not fair in regard to Mr. Morgan. It may be well at the present juncture to show this, so that when the events come to be considered, what there is to be urged on his behalf may be borne in mind. To the end of his days, Morgan was a strong Radical, but not in great sympathy with the cries and aspirations which filled the mouths and hearts of younger politicians on the side to which he belonged. Few indeed are the men who can be progressively Liberal, who can go on learning all through their lives. Mr. Gladstone can; Mr. John Bright cannot. In each successive attempt of public opinion, striving to wrest something more from the fastnesses of privilege, Mr. Gladstone finds himself able to take part—his mind possessing the marvellous power of shedding old prejudices, as snakes shed their skins, and re-appearing in a newer and better one, better because more closely fitting. Mr. Bright, on the other hand, has not this power: he started in political life with a programme which, to his contemporaries seemed Utopian and revolutionary, and he, himself, must, time after time, have feared it could never be carried out whilst he lived. He was far ahead of his countrymen, 'born a generation too soon,' said his less energetic stay-at-home friends. Yet he has lived to see all he advocated carried out, and himself a minister of the Crown. He now rests upon the achievements of the past. All his speeches are epitomes of the campaigns in which he has fought and the battles he has won. He, who, when a lad, reading the weekly paper to his father and friends¹ felt all the nerves of his body quiver with excitement as he read that it was determined to proceed with 'the bill, the whole bill, and nothing but the bill,' and subsequently devised programme after programme for corn law repeal and house-

(1) See speech at Birmingham in May, 1877.

hold suffrage agitation, now deprecates programmes: thinks they are cramping and narrowing like the thirty-nine articles. Reform in the land laws he is still the true exponent of, but temperance legislation he cannot rightly understand: legislative effort upon it has reached his organism too late, has come to him only after he has become ossified, total abstainer though he be himself.

This is precisely how it was with Morgan. The particular objects he had fought for with praiseworthy pertinacity in his young manhood had been realised, and thenceforward his mind had no more new grasp of great questions left in it. In regard to minor reforms, as will be readily seen, there was the old spirit ready to liberalise and make broad the foundations, but the faculty for projecting new and great things was not there. Even if it had been, he could not have undertaken either the leadership or a prominent part in such a work; the multiplicity of details, the throng of subjects which occupied his attention as chief law adviser of the crown and permanent grand jury for the island, added to which was a large private practice, rendered creative legislation of a large order impossible. Still he was true to his creed, but that creed as he had learned it was out-worn, and busy, perplexed man as he was, he had neither facilities nor opportunities for re-shaping his course. Difficulties occurred in the legislature; a stand was made by the unofficial members for independence of action within certain limits. Morgan greatly sympathised with the movement,—with such a past as his he could not well do otherwise, but, as will be seen, at this particular juncture he was, really, the government, the occupant of the *gadi* being an old soldier, very brave and very pleasing in his manners, but with no capacity for keeping the state ship keel lowermost during a political storm. At these times Morgan was very fond of quoting at home, the Duke of Wellington's remark, 'The

King's Government must be kept going,' and it was because the responsibility was so great upon him personally that he was led to appear as the champion of conservatism, as the (apparent) foe of liberty, and as the opponent of a due measure of independence in constitutional matters. Thus much by way of preface to a consideration of the higher political life of Richard Morgan.

It is not often that there are public or political questions of importance in Ceylon for discussion, and as 'man being reasonable' must discuss, personal topics receive a full share of general attention, and personal appointments are canvassed and debated with a freedom which is far from pleasing to anybody concerned. New York political aspersions are equalled in Ceylonese discussions: motives and adventitious circumstances are wrangled over with a skill and pertinacity worthy of a better cause. Mr. Morgan's appointment as Queen's advocate led to a controversy in the newspapers which lasted for a great length of time, and in which much race-virus and animosity was displayed. Gathered into reasonable limits the chief arguments in the wordy warfare were: (1), that it was disadvantageous to appoint any one born and bred in the island to such a post as Queen's Advocate: it was argued that the connections which a man had formed in fighting his way upward would influence and sway his action in his exalted and responsible post; (2), on the other hand, it was alleged that the island laws being many and peculiar, no English barrister could adequately grasp them and rightly perform the onerous duties of Queen's Advocate—(a number of instances were cited in proof)—whilst Richard Morgan, by his diligence and his intimate acquaintance with the complex enactments of the colony, was ominently the fittest man conceivable for the post. On these points the conflict raged long and the dispute waxed fierce, as only such disputes can wax fierce in a small colonial com-

munity. The result, strange to say, was almost unanimity of feeling that a good appointment had been made.

The prejudice, however, against a country-born man occupying a seat in the Executive Council, and being—as the Honorable R. F. Morgan was, in fact,—the chief performer of a great part of the island's business, was not easily removed. No man could have been more discreet or have tried more carefully to avoid giving offence than did the new Queen's Advocate; nevertheless Mr. Morgan felt that there was prejudice against him as regards his origin. The colonies of Great Britain are ruled too much from the Colonial Office in Downing-street and for the advantage of the nominees of that office—the nominees being men who have been clerks in the office or who are recommended by friends of 'permanent persons' on the establishment. Instances in which Mr. Morgan felt that this prejudice was exhibited will be noticed subsequently.

One of the first experiences of office was annoying. The occasion arose in this wise. In the planting districts of Ceylon, where magistrates' courts are at a great distance from each other, and the police force small and scattered, appointments as justices of the peace are conferred upon selected European planters. Their duties mainly consist in granting warrants to enable coolies who had run away from one estate to another to be taken back. Mr. T. Berwick, deputy Queen's advocate at Kandy, had some doubt as to the legality of certain warrants which were issued, and wrote a long letter on the subject to the provincial inspector of police, Kandy, in which the following passage occurred:—'As intimately connected with and interested in the administration of criminal justice, I may state (and am willing that you should make every official use of the information) that I have hardly ever known a justice of the planting districts do anything to secure the apprehension of criminals in cases of serious

crimes or breach of the peace, although the gaols are crammed with scores and hundreds of men, women, and CHILDREN arrested on what are known satirically as "planters' warrants" for desertion. And I can concur with every police magistrate and public officer in the province in testifying to the gross abuse of these warrants. And cases have even come to my knowledge in which labourers on other estates have been frequently arrested at the instance of neighbouring planters, and never taken to the police court, but simply *handed over* by the arresting justice in gangs to the person who applied for the warrant.' Mr. Berwick added that he should bring this subject under the notice of the Queen's Advocate with a view to existing defects in the law being remedied. Great agitation was caused when these sweeping assertions were made public, and several justices of the peace sent in their resignations.

The Queen's Advocate accepted the statements of his deputy as *bonâ fide*, and, on receipt of Mr. Berwick's letter, brought the matter before the Government. A communication was addressed to the Colonial Secretary in which the following passage appeared :—' In the interest of the labourers resorting to this colony, who are entitled to protection at the hands of the Government, and in the interests of criminal justice generally, such a state of things must at once be put an end to. No useful purposes can be served by any enquiry into what has heretofore been done, but it is desirable that steps should be taken to prevent a repetition of such proceedings in future. I beg, therefore, to suggest that the attention of the unofficial justices be called to the representation now made, that they be informed that, before granting warrants, they must take care to satisfy themselves by proper affidavits, and, if need be, the examination, on oath, of parties, that a serious crime has been committed, that the parties guilty of the crime must be clearly

designated, and that, in no case are such parties to be given over to the person making the complaint, but to be forwarded to the proper tribunal to be dealt with according to law.

‘ Furthermore, as regards the alleged charge of desertion, they must bear in mind that, to constitute desertion, there must be a valid engagement of service entered into between the employer and the labourer, and not merely an engagement such as would be deemed in law an engagement by the day; that such a charge is cognizable by a police court, and that, for offences cognizable by police courts, or summons, a warrant is the proper progress.’

The Planters’ Association took up the matter with the energy characteristic of that institution when a personal question is on the *tapis*, and exception was taken to the suggestion in the Queen’s Advocate’s letter that summonses should be issued, as these, it was alleged, would merely serve as hints to the coolies to abscond. But the planters reserved their strongest remarks for Mr. Berwick’s letter. The assertions made were said to be false, enquiries proving them to be unfounded.¹ It was asked that Mr. Berwick should be punished and that the Government should withdraw its circular letter.

Mr. Berwick defended his original statement and pointed out that the statistics quoted by the Association (see note below) had been collected during a period in which the police had been ordered to discontinue executing such warrants. After a time the discussion ceased without any definite action being taken, a

(1) The secretary of the Association wrote — ‘ I am directed to inform you that, during the last six months ending 30th June, the total number of prisoners in gaol, on charge of desertion were in Kandy, 72; in Matale, 21; in Nuwera Eliya, 22; in Badulla, 24. Of those in Kandy gaol 8 only were arrested on warrants signed by unofficial justices, of those in Badulla gaol only one. It is not stated how many were so at Matale and Nuwera Eliya. In Gampola no account was kept, coolies committed there being generally sent to Kandy, if in custody more than a day or two.’

great deal of angry and acrimonious discussion in the newspapers having taken place, many correspondents not scrupling to use the argument that these events proved the unfitness of a Eurasian to be chief law adviser to the crown. As a matter of fact the gentleman who was the *fons et origo* of the dispute, Mr. Berwick, was a most patriotic Scotchman.¹

(1) How stoutly Mr Berwick maintained his position may be judged from the following letter.—

‘Deputy Queen’s Advocate’s Office,
COLOMBO, 28th August 1863

‘SIR,—Having in my letter of yesterday’s date had the honor of addressing you on the subject of that point in the recent correspondence with the Planters’ Association, which courtesy to the body of unofficial justices seemed to me to call for first consideration, I had intended on the present communication to justify, as well founded, those statements in regard to the number and abuse of warrants which the Association in their letters to Government of 6th June and 8th August have characterized as unfounded; and made the subject of warm complaint to Government.

‘2. But the announcement in last night’s paper of a notice of motion in the Legislative Council for returns, has modified my intention, as the course which the Council will probably adopt on that motion, I have no doubt, will sufficiently prove that my statements, grave as they were, were substantially correct, and in the most serious respects understated.

‘Should it, however, happen that the warrants, affidavits, or other records of proceedings, and particularly those of unofficial justices (being both scattered and bulky) have not been so preserved as by themselves to afford full data for judgment, I dare say, if it appear desirable, an opportunity will be afforded to me hereafter by Government of stating and proving the grounds on which I shall be prepared to justify my statements.

‘3. I have used the expression “substantially correct” purposely; for, seeing that the whole object of the passage which has met so warm a denial, was plainly directed to the numbers arrested and abuse of the process of arrest, I cannot suppose that a body like the Planters’ Association would rest then denial upon, or deal at all with mere verbal distinction or technical definitions of such a phrase as “gaols” used in the sense of an authorized places for detention of prisoners; especially as if verbal strictness be resorted to, (to refer to another impugned expression,) whether such places are crowded by prisoners of a particular class, depends less on the number incarcerated than on the accommodation available, and particularly the accommodation available for them over and above prior demands. It has been supposed that I had made an assertion inferring that hundreds of deserters at a time “are lying in goal.” The words I did use simply implied, and their very indefiniteness as to number and period shows it, that excessive numbers “hundreds to wit are committed to goal” on warrants for desertion; not (though it may perhaps prove so) that such numbers were over or any one day in custody. They were the expression of such a fact as this within my own knowledge, viz., that for a period of three-and-half months, the numbers committed was at the rate of six hundred a year in precise numbers, 550 in a single goal; or such a fact as this, viz., the arrest by gangs, of men, women, and children indiscriminately, such gangs I believe frequently exceeding the number popularly known as a “score.” The words “illegally arrested” have been attributed to me as annexed to those numbers. But they do not occur in any part of my letter; nor does their sense, expecting in refer-

The chief law adviser of the crown in Ceylon has multifarious duties to perform as a legislator. He not only has to suggest the subjects upon which legislation is necessary, but he also has to draft the measures to be presented to the legislature. Mr. Morgan's first session was marked by the introduction of several important measures, such as the land registration ordinance, the marriage ordinance, and the justice of the peace ordin-

ence to the particular warrants then submitted to me. In the portion of my letter which referred to the connected subject of the excessive numbers and abuses of warrants, my observations were wholly independent of their apparent legality, indeed many of those, however substantially defective or improper, might *ex facie* appear legal enough.

'4 But having now repudiated the misconstructions which have been placed on my letter, and all mere verbal distinctions, I submit that the substantial questions of fact at issue are simply these: whether excessive numbers of coolies have been arrested under warrants charging desertion of service; and gross abuses of these warrants been prevalent. And I would distinctly mark that, in my belief, it is the latter point which is the gravamen of the subject under discussion, and pre-eminently the charge with which the planters have any real cause for dissatisfaction if it be unfounded.

'5 Respecting the publication of certain statistics of the Kandy gaol from January to June by the Association as disproving my assertions, but dating from the very period when the police had been ordered to discontinue executing such warrants, I make no comment in the proceedings, whatever reason I may have for complaining of the public use which has been made of the so-called statistics, when the fallacy of the supposed disproof and entire unjustifiability of the language founded thereon are so easily demonstrated. My object in alluding to them now is, in the event of this letter being made public, to counteract at once misapprehension as to the true value of what, as it purports to emanate from such a body, would be naturally considered entitled to weight in public opinion.

'6. I have only further to point out that in that part of my letter of 12th January to Captain Drew, in which I indicated the excessive use and abuse of such warrants, I was dealing not with the question of what class of justices had been the agents of the system, but with the evils of the system itself although as it happened that the matters then submitted for my opinion by the superintendent of police were the powers of unofficial justices and the legality of certain of those warrants issued on charges of desertion, my remarks on this matter were naturally connected with as they arise out of the documents then specially before me.

'If that fair construction be rejected and also if it should turn out that official justices of the peace have been as unsparing in the issue of warrants as others, this would only shew that the evil was of greater magnitude than represented. But I have no reason to anticipate that the abuses which have occurred with the former have been of the same grave description, and all reasonable offence on this score would appear to me to have been disclaimed by the fact that the Government circular was addressed to all justices, official as well as unofficial.

'I have, &c.,

'(Signed) T. BERWICK.'

'The Hon'ble the Queen's Advocate, Colombo.'

ance, the last-named providing for the reform of certain defects in existing legislation.

During the years 1863 and 1864 public opinion in the island became greatly excited on several matters of importance. The revenues of the island were flourishing, public spirit was aroused, and much interest was taken in the action of Government, particularly in the matter of public works, the planters especially wanting roads for the carriage of their produce.

Sir Henry Ward had been active in such works, which were often undertaken without previous sanction and provided for in surplus funds ordinances. Sir Charles MacCarthy, the succeeding Governor, was quite another kind of man. *Quieta non movere* was his motto. He said *Festina lente* was the expression which guided his policy, but the word and the act were not in harmony.

The Colonial Office had not in 1864 got rid of the idea which prevailed when Ceylon was conquered, viz., that it might be a source of revenue to the mother country, or at the least no burden. It was decided that the military expenditure of the island should be borne by the local exchequer, but the people of Ceylon were to have nothing to say to the amount of these charges. Further, the order was given from London that surpluses were no longer to be expended on public works, but retained in the treasury. The consequence has been thus described:—‘Restricted expenditure speedily produced its results in the prostration of all the institutions of the country—roads became impassable, the Public Works Department was disorganised, and all was disorder and discontent.’ This was the state of things in August 1864 when Major-General O’Brien, the Lieutenant Governor, opened the session of Council for that year.

Major-General O’Brien has been termed ‘a mild and inoffensive old gentleman,’ and the phrase seems to fit him exactly. He was not the man for the crisis which now

came about. The speech he made on opening Council was a very mild and innocuous statement. It could not tell of very great prosperity, and it prudently promised little in the way of new legislation. It is the custom in the Ceylon legislature, as doubtless in most other chambers in crown colonies of the same type, for the Governor's opening address to be referred to a committee of members who generally echo, in from a dozen to a score of formal paragraphs, their appreciation of the unbounded and marvellous wisdom evinced by the Governor in his remarks, and their confidence in his rule generally. The Council met on the 17th of August and a reply of fifteen paragraphs was brought forward. At this meeting, by some strange hap, there were present six non-officials—the complete number—and only five Government members.¹ The reply was read paragraph by paragraph, and when the fifteenth had been read, Mr. Wall moved an amendment and announced that he had two others to follow. On the first amendment² Mr. Wall made a very forcible speech in support of his proposal. The motion having been seconded, the Queen's Advocate pointed out that it could not be put. The reply to the Governor's speech could only advert to matters which had been alluded to in the address. This contention was sustained, and the amendment was ruled out of order.

The second amendment was then put. It was as follows:—‘That the Council, acknowledging with thankfulness the prosperity of the island, consider it to be attributable entirely to the high values the staple articles of

(1) The officials were—The Colonial Secretary, the Queen's Advocate, the Treasurer, the Government Agent, Western Province, and the Surveyor-General. The non-officials were Mr. G. Wall, Mr. Thompson, Mr. C. A. Lorenz, Mr. J. H. Eaton, Mr. J. Cappe and Mr. J. Alwis.

(2) ‘That, considering the important measures taken by the Council at the end of the last session, and the deep interest and anxious concern felt by all the members in regard to the question of the military expenditure, they feel slighted by the entire silence of the Government upon that subject in the address.’

its produce have for several years maintained in the markets of the world, and to private effort, and not to any encouragement of industrial enterprize by the Government.' The Queen's Advocate made an able and dexterous speech against the adoption of this paragraph, and replied to the points of Mr. Wall's remarks on the first amendment. Mr. Morgan's speech was characterised by the gentleman who followed him (Mr Lorenz) as catching all the small fish but allowing the large to escape. The speech was undoubtedly happy as an official reply. On a motion the amendment was lost, Mr. Thompson voting with the officials.

Mr. Wall then brought forward his third amendment, which was, ' That this Council desire to record their dissatisfaction and discontent, that revenues have been exacted for several years so far beyond the requirements of the public service, and so much larger than could be devoted to public purposes, and they further complain that whilst the revenues have been so abundant the efficiency of nearly every public department has been seriously impaired by the parsimonious policy of Government.' The former proposals were unpleasant; this was absolutely unpalatable. When this motion was made, Council had been sitting about four hours, and a message was sent to the Lieutenant-Governor apprising him of the serious position of affairs. As a rule, the reply to the address is passed within fifteen minutes of the Council assembling; and the Governor stays at Queen's house with his carriage and guard at the door ready to proceed to the Council chamber and express his acknowledgements for the manner in which his remarks have been received. For four hours had the poor General sat in full costume, with his orders on his breast, but no messenger came from the Council room. When at last a letter was brought to him it was not a summons; it contained bad tidings, for it expressed the fear that though two amendments had been defeated,

the third would be adopted. The sequel proved the anticipation to be correct. An hour's debate followed, in which the Government members did their best to show the unwisdom of passing a vote of censure upon the authorities, and names were called, with this result:—

For the amendment.	6
Against „	5

Majority against Government. 1

The Council immediately adjourned. A vote against 'the Government' in a crown colony is a far more serious matter than a similar vote in the House of Commons, or in the Legislature of an Australian Colony or of a Prince in the Canadian Dominion, for if one party goes out, another is prepared to come in. In a colonial assembly like that of Ceylon it is contrariwise: Government has to accept its defeat with as good grace as possible and continue its duties as though nothing had happened. The defeat of the Government on a vote was, perhaps, the last thing contemplated, for by the constitution of the assembly the Government in a full house has a majority of one-third. For some reason or other care was not taken to secure the attendance of a preponderance of officials, and Government had to accept defeat. It has never since occurred that there was not a majority of official members present at meetings of Council.

Great excitement was caused in the island by the proceedings of the unofficial members, out of which sprang a long series of events which, for a time persistently, and subsequently at intervals, agitated the colony. Twelve years later the mere reference to the circumstances of this time served to divide the people into two camps.

This is not the place in which to tell the whole history of the Ceylon League, which was formed afterwards. The details of the good work done by that body in the colony,

in London, and in the House of Commons, the whole facts must be looked for elsewhere. Only so far as the incidents of the League are concerned with the Queen's Advocate can they be related here. It may be stated that the reply of the majority of the council was conveyed to General O'Brien, and by him condemned.¹ The fight at the beginning of the session was only the prelude to more decisive action later on. The bone of contention was the military expenditure. Alone amongst the crown colonies of Great Britain, Ceylon bore the whole cost of the soldiery needed for the defence of the island. As the colonists provided the money for expenditure, they conceived that it was only fair they should have the same control over the outlay as they had in respect to civil establishments. This was resisted by the War Office and the Colonial Office. The colonists were of opinion that more money was expended than was necessary and naturally were discontented. Officials as well as non-officials prior to 1864 were, in the main, agreed on this point, and it is alleged² that during the rule of Sir Charles MacCarthy, for the first time in Ceylonese history, secret instructions had been issued to the effect that the votes of officials were, like their time, to be at the entire disposal of the Govern-

(1) 'I cannot, however, refrain from expressing my sincere regret that you should have thought it necessary, on the occasion of my meeting the Council merely as the temporary administrator of the government of this island in the absence of the Governor, to introduce an amendment into your address, censuring the policy of the Government. I cannot admit the correctness of the observations therein made; nor can I hold out any hope that it will be in the power of Government to remit at present any portion of the taxation to which the inhabitants of this country are subject. Indeed, in this respect it seems to me that your proceedings are somewhat ill-timed; for, in the absence of the Governor, it cannot in fairness be expected that I should interfere with the settled policy or system of taxation established here. But, as I have already indicated, I do not admit either the necessity of remitting any portion of our taxation, which in itself is neither high nor burdensome, nor do I consider that it would be expedient to do so at a time when we are in the midst of an undertaking of great magnitude, and on the eve of a settlement of the long pending questions of the proportion of military expenditure which the colony ought to bear, and when demands are pouring in all sides for new works and new undertakings.'—*Reply of General O'Brien to the Council.*

(2) I have not been able to verify the truth of the allegation, but the authority upon which I make the statement is, I think, trustworthy.

ment. The rumour of such state of things helped to increase the dissatisfaction now becoming general.

In November 1864, on the military question, the non-official members resigned their seats in a body, forwarding at the same time a letter to Government in which their reasons for resignation were given. The letter is a very able one, and sets out at length and in convincing terms the justice of the position assumed. It may be given here as succinctly describing the occasion for such an extreme action being taken. The letter was addressed to Major-General O'Brien, as the officer administering the Government of Ceylon, and was as follows —

SIR,—We, the unofficial members of your Honourable Council, deeming it incompatible with our sense of honour and duty to take part in the measure referring to Military expenditure, which your Honour has been directed by the Secretary of State to introduce to the Council, feel compelled to resign our seats

We believe the demand made by the bill upon the resources of the colony is unjust, and, if exacted, would prove highly injurious and oppressive; but if we had no other objections than these, we should have felt it our duty to discuss and oppose the measure in our places, and to have rested content to suffer the inevitable defeat which the Government, with its overwhelming majority of official votes, can always ensure.

It is because the peculiar character of the bill, and the circumstances of its introduction, seem to us hurtful to the dignity and honour of the Council, and contrary to its rightful privileges, that we decline taking part in it. We should deeply regret if our retirement caused inconvenience to your Honour's Government, but we feel assured that the knowledge you possess of the willing services we have ever rendered in the Legislative Council, will save us from any possible imputation of factious or unworthy motives.

In explaining the reasons which compel us to take the course we now adopt, we shall have occasion to refer to the Memorandum and Despatch of the 20th September. *First*,—as to the *privileges of the Council*—we do not think it necessary to enlarge on the elaborate distinction the Secretary of State draws between the *principle laid down* and the *pledge supposed* to have been given by Earl Grey in 1848. The material facts are undisputed—viz., that Earl Grey, as Secretary of State, did lay down a principle; that he confirmed it subsequently, and that it is still more emphatically laid down in the Memorandum of 26th September, as 'a cardinal point and first condition of any sound and regular system of finance.'

The principle thus authoritatively and conclusively established is, 'That appropriation of revenue in every case should, without exception, rest on a Legal Enactment, and in no case on a simple instruction of the Secretary of State.'

There is no question, therefore, as to the *principle* that it is the constitutional and proper function of the Legislative Council to control the whole expenditure of the colony, military as well as civil.

Her Majesty's Government having laid down this principle, it would seem superfluous to question whether or not the Council had the *right* to exercise its own proper function ! The fact that it is a *function* and duty makes it a *right*. The laying down of the principle established the *right*, and Earl Grey distinctly stated it as a *right*, though he afterwards admitted it had not been the *practice*.

The only reason why the Legislative Council has not *exercised* its right, is because Earl Grey and his successors in office have ever since, in direct violation of the principle they themselves laid down, persisted in keeping up the practice, described as so highly objectionable and irregular, of making the appropriation of our revenue for military expenditure on their own simple order. We have thus been deprived of our rights by the interposition of those very authorities who established them.

The *right* has in fact been ours, at least since 1848, but Her Majesty's Ministers have superseded it, doing by their own simple order what they declare to be the function of the Legislative Council.

At length, however, after numerous appeals from the colony, it has been decided to give effect to the 'just and sound principle,' and Her Majesty's pleasure on the subject has been made known to us in the Despatch and Memorandum of 26th September.

Seeing how long we have been deprived of a constitutional right admitted and established sixteen years ago, we might reasonably have expected it would at length have been graciously and unreservedly conceded, whereas it is offered only on *conditions*. We are in fact to purchase it, and the price demanded for its enjoyment in *name* is no less than its renunciation in *fact*.

The Council is first to pledge itself to the full amount of the demand of the Secretary of State as the *condition* of afterwards enjoying the liberty of inquiring what that sum ought to have been. We may at length exercise our constitutional functions and settle this financial matter for ourselves, but not until we have adopted the settlement unconstitutionally made for us by the Secretary of State, which seems to us like offering a man a trial on condition of his first signing his sentence.

Such a proposal we deem unworthy and humiliating, and, if imposed upon the colony, it must be on the sole responsibility of the servants of Her Majesty's Government, and not of the Council. Had Her Majesty been pleased to confer on the Council that control which her own Ministers declare to be the 'first condition of any just and sound condition of finance,' we should have been ready to discharge our duty with all loyalty, faithfulness and liberality; but, as independent members, we are not prepared to accede to the humiliating conditions imposed.

Apart from the *right* which flows from the *principle* laid down, viz., that the finances of the colony should be dealt with by the Legislative Council, Earl Grey's Despatch of 1848 is explicit as to the way in which both the civil and military establishments were to be provided for, namely, *by an inquiry of the Legislative Council* to define the requirements of those services; and, whilst directing that the Governor of that period should at

once institute an inquiry as regarded the 'whole of the fixed establishments in all their detail,' His Lordship stated that the military establishment would call for his 'special attention.' In pursuance of this order, the civil establishments were liberally provided for by the Legislative Council, and we firmly believe that the military expenditure would then, or at any time since, have been provided for by the like means in an equally liberal manner.

Assuming, however, that we could accede to the terms imposed by the Secretary of State, it is by no means certain that the Legislative Council would be allowed to enjoy the privilege of inquiry even after agreeing to the unreasonable conditions demanded; for Her Majesty's Minister expressly reserves to himself the choice of submitting the enquiry to a *Commission*, and does not pledge himself to give it certainly to the *Legislative Council* at all.

The position of the colony in regard to its Military expenditure would therefore be worse after the passing of the proposed bill than it is at present. For sixteen years we have waited for the promised Despatch on the subject, and if this bill were passed we know not how long we might have to wait for the promised inquiry.

Further, although the principle to which Her Majesty's Government have now decided to give effect, is 'that appropriation of revenue in *every* case should, without exception, rest upon a Legislative enactment, and in no case on simple instruction of the Secretary of State,' (vide memo. clause 29) yet we find by clause 33 of the same document that Her Majesty's Government nevertheless reserve the right of future demands upon the colony. In other words they reserve in one clause what they have expressly relinquished in another, and *the very terms they offer us are in direct violation of the principles they have themselves laid down.*

It is upon such uncertain and partial concessions that we are expected to cancel the deliberate vote of last session.

Secondly.—Respecting the Liability of the Colony in regard to its Military expenditure we, as members of the Legislative Council, have ever expressed our sincere and earnest desire to meet that question in a fair and liberal spirit, and to contribute cheerfully whatever amount should, on a full and fair inquiry by the Council, be considered due by the colony.

The action of Her Majesty's Government does not seem to have been prompted by an equally fair spirit, but with a view to the relief of the Imperial exchequer rather than to the welfare of the colony or the demands of justice.

We do not follow, nor attempt to answer, the arguments by which the Secretary of State attempts to show that our present forces could not be materially reduced, that the whole of our Military expenditure should be paid by the colony, and that the establishments at Timcomah are maintained for local, not imperial purposes, because we are unwilling to anticipate, by any opinion of our own, or by any foregone conclusions, the result of the inquiry for which we have so long prayed. These, and all other questions connected with the Military expenditure of the colony, ought to be fully investigated by the *Legislative Council*. The opinion expressed on these points in the memorandum of September 26th, however, seem altogether at variance with the language of Earl Grey's Despatch of July 17th,

1864, wherein he alludes to the great importance of Ceylon as 'the key of the Indian Ocean and the great insular outpost of the British Empire in the East,' and describes the harbour of Trincomalee as 'the great reserve station of our military and naval forces in that quarter of the globe.'

We should have been glad if the Secretary of State, in quoting the opinion of the Select Committee of the House of Commons of 1861, to the effect 'that the expense of the troops in Ceylon should be borne in a greater degree by the Colonial Treasury,' had also mentioned the grounds alleged for that opinion. It should be borne in mind that that Committee had not before them a correct statement of the actual proportion the colony did pay.

We are at a loss to conceive why the Secretary of State should have thought it necessary to quote the *opinion* of Mr Dundas in 1801, or the *intention* of Earl Bathurst in 1821, as bearing upon the present and future obligations of the colony. We fail to see what authority the mere *opinions* and *intentions* of those officers could have in the present state of the question. The former was an opinion offered just after the British had acquired possession of what was believed to be an El Dorado, from whose cinnamon groves and fabulous riches golden harvests were expected. The dreams of that period and its policy of extracting wealth from colonial possessions for imperial purposes have, in our opinion, a bearing on the question at issue far different from that for which they are quoted. With the policy of that time we associate in memory the loss of the noblest acquisition that was ever attached to the British Crown. It was an unwise and disastrous policy not to be imitated in these times.

Thirdly—With regard to our *financial* position, the Secretary of State labours under serious misapprehension. So far from its being the fact that the ascertained surpluses have been realized 'after fully providing for the Civil establishment and for all the other services of a civil character, and after providing liberally for public works and improvements,' the truth is that they have been produced at the expense of the efficiency of nearly all the public departments of the colony, by a culpable neglect of public works and by a generally parsimonious policy which has been universally stigmatized and has brought the Government to public censure. This policy, necessarily suicidal, has already begun to produce an effect on the revenue, for the Colonial Secretary in his place in Council has repeatedly and emphatically declared during this session that there was already an end of surpluses, and he plainly indicated the probable *increase* of the *export duties* as necessary to meet the already existing pledges of the Government.

Whilst these hoards of the revenue were accumulating, numerous applications for important public works have been annually declined on the ground that there were 'no funds.' The Government, unable to dispute the necessity for those works, could put forth no other plea for their non-execution, and has not scrupled repeatedly and continually for years past to declare its inability to carry them out for *want of funds*. Further, when the order to reserve £30,000 as an additional Military contribution was received, last year several votes for public works of urgent importance were struck out of the estimates to provide for it.

The state of the public roads has for some time been such as to cause universal complaint and to call for a committee of inquiry.

The Public Works Department has been reduced to such a state of inefficiency that it could not expend the votes of the Council, and a Select Committee of the Council has been called upon to report upon the system under which the votes for public works were expended. That report sufficiently proves the disorganization and disorder which have been caused by the parsimony of the last few years.

The police establishment is utterly inefficient, and it is questionable whether in its present state it does not rather promote than discourage crime. A committee has been appointed to investigate this department also.

The Colombo Academy and Queen's College have for the same reason declined from a high state of efficiency and usefulness to a condition such as reflects disgrace on the colony.

The Post Office has also had its committee of inquiry, but as yet there have been no apparent results. We have good reason to believe that in this as in the other departments the cause of decay is the parsimony which has characterised the whole of that policy which the Secretary of State seems to consider 'admirable' because it has supplied the fund by which he now proposes to relieve the Imperial exchequer.

Whatever opinion may be entertained of this 'admirable management' by Her Majesty's Government, it is universally condemned by those who are witnesses of its results, and it can truly be stated that there has not been for many years past any public measure so unanimously approved throughout the colony as the vote of censure on the policy of that period which by an unprecedented chance the unofficial members were able to pass in the present session of Council.

If, however, the state of our revenues were such that the Council could reasonably calculate upon a surplus of revenue recurring year by year, the first claim upon such surplus would be the remission of that extraordinary portion of our taxation which having been voluntarily undertaken for a specific purpose cannot in good faith or justice be levied any longer than it is required *for that purpose*. Until that remission has been made the revenue cannot justly be pledged for any *new* expenditure.

In considering the state of our finances and the amount of our revenues, it should be borne in mind that a very large proportion of the taxation of the colony is levied on the food of the people, and acts in direct discouragement of the cultivation of our staple product coffee, on which the export duty also presses heavily.

The fact that coffee has for some time been realizing extreme prices in the markets of the world, is the sole ground of our present prosperous condition. The same cause, however, which enables us for the time to maintain a state of prosperity, is stimulating the extended production of coffee in other countries, and we may therefore confidently expect a reduction in the value of our staple and consequent decrease of our financial resources.

On a fair and reasonable view of the financial condition of the colony, of its present requirements, and of its existing engagements, it would be highly improper to enter into any unnecessary pledges for the future. There is no reason to doubt the ability of the colony to meet all its engagements and to pay all necessary expenditure, civil and military, but we cannot see the propriety of voting so vast a sum as is now demanded before the investiga-

tion we have so long played for has taken place, more especially as the demand has been made under an evident misapprehension of the true state of the colony and its finances.

As members of your Honourable Council we have ever preferred our requests to Her Majesty's Government with loyalty, respect and submission, and have invariably accompanied them with the sincere expression of the willingness of the colony to pay whatever sums should be found, *after a full enquiry by the Council*, to be justly due for the military expenditure, and we feel disappointed and hurt by the tone and tenor of the Memorandum and Despatch of 26th September, and by the circumstance that in granting the inquiry the Secretary of State should have required us so to anticipate its results as to nullify its value.

That the Legislative Council is so constituted, and the obligation of its official members is such that it may become on this, as it has been on former occasions, a mere instrument in the hands of Her Majesty's Secretary of State, and that it may be made to pass measures which are repugnant to the convictions of the great majority of its members, are facts we have often deeply deplored, but never before so much as now that a question of such vital importance is to be brought to so unhappy an issue. The Colonial Legislature may, and no doubt will, lend its voice to pronounce the will of Her Majesty's Minister, and may thus give an ostensible sanction to the unprecedented claim now made upon our exchequer, but the violation of the right of the Council will not be made less real or conspicuous by the semblance of constitutional form.

In this juncture we believe we shall best serve the interests of the colony, discharge the duty we owe to the public and ourselves, and express our deep sense of the humiliation and injustice put upon the Legislative Council by relinquishing our places therein and leaving it to the servants of the Crown to assume the whole responsibility of carrying out an unjust and unconstitutional act!

Finally we shall be glad if your Honour will forward a copy of this letter to Her Majesty's Secretary of State for the colonies for his information.

We are, your honour's
obedient humble Servants,

C. A. LORENZ,
G. WALL,
W. THOMPSON,
J. CAPPER,
J. ALWIS,
J. EATON.

The course adopted by the unofficials was approved throughout the colony with striking unanimity: scarcely a single voice was raised against the propriety of the step taken. It was thought that the Government would

be forced into acquiescence with the policy advocated, as, without the unofficial members, the Council would not be properly constituted, and the money bills could not be passed. The Queen's Advocate, however, was equal to the crisis. He advised the acting Governor that as Her Majesty the Queen had appointed the members, only Her Majesty could accept their resignations. Until such resignation was accepted they were still members, and that if they did not choose to attend meetings of Council that would not render the meetings faulty so long as a quorum was present. General O'Brien accepted this advice, and the session was continued, as though nothing had happened, notices regarding the respective meetings and other papers being regularly sent to the gentlemen who had resigned.

Mr. Morgan's action in this matter rendered him not a little unpopular, and he, who had hitherto received from his countrymen and the island public generally, naught but good, high and well-deserved praise, was now the subject of much severe and unjust comment. How severe and unjustifiable comments in colonial newspapers can be only those know who have had experience of small communities in which there are race-questions to add bitterness to controversy. The Queen's Advocate, however, had fully thought out the subject, and believed he was acting only for the right in the advice he gave and in the action he pursued.

In May 1865, the despatch of the Secretary of State on the resignation of the non-official members was received. The resignations were accepted, and arguments were used to combat what was urged in the letter in which the unofficials announced their decision. As the case of the unofficials has been given, it is but right to quote the reply of the Secretary of State, which was in the following terms :—

DESPATCH OF THE SECRETARY OF STATE ON THE SUBJECT
OF THE RESIGNATION OF THE UNOFFICIAL MEMBERS
Ceylon.
Separate.

DOWNING STREET,
27th March, 1865

SIR,—I have to acknowledge the despatch of the officer administering the Government, No 265, dated the 30th November last, reporting the withdrawal from the Legislative Council of the six unofficial members (of whose letter to him, stating their reasons for this step, he encloses a copy,) in consequence of the instructions given by Her Majesty's Government in reference to the military expenditure of the colony, and requesting instructions on the legal questions which had arisen, as to the validity of the resignations of these gentlemen as conveyed to him, which he had declined to accept, and as to the validity also of the ordinances passed on this and former occasions by a Legislative Council comprising the required quorum of six, but with vacancies in its full number of fifteen.

The legal questions at issue are disposed of by my despatch No. 71, of this date, and Her Majesty's Order in Council of the 9th instant transmitted with it ¹. I have now to add some observations on the letter referred to from the retiring members of Council. This letter may, I think, be conveniently divided as follows —

(1) It appears to maintain that every Colonial Minister for many years past has been acting in violation of an acknowledged right of the Legislative Council, by ordering payments from Ceylon revenue without consulting that Council.

This proposition turns upon an interpretation of a despatch of Lord Grey, which does not appear to me to be correct.

That despatch laid down the principle as one which it was desirable to adopt, and which I have proposed, on certain conditions, to establish. It does not admit an already existing practice, or an already established right.

(2) That, for the same reason, the present attempt of Her Majesty's Government to stipulate conditions, before allowing the exercise of the right, is a violation of justice. To which there is the same answer. Conditions were stipulated, not for the exercise of an acknowledged right, but for the introduction of a practice which was acknowledged to be sound in principle viz., appropriation by law instead of by despatch.

(3) That the condition required by Her Majesty's Government is un-

(1) The despatch and order justified the action of the local Government, and declared that their legislation was proper and in due form. The Queen's Advocate's opinion that the resignations of the unofficial members, having proceeded from the Queen, could only be accepted by Her Majesty, was, I am informed, described as correct; but to make assurance doubly sure the order in Council legalised the measures passed by the 'maimed' Legislature. I have not been able to see the despatch and order, my absence from Ceylon, whilst this work was written and in course of publication, precluding my consultation of authorities on this and other moot points. Upon doubtful matters I have ventured a conjecture, founded upon circumstances and collateral evidence; this has been done in all cases where absolute proof was unattainable.—WM. D.

reasonable, inasmuch as it calls upon the Council, first to vote the full amount demanded by the Secretary of State, and gives them the liberty of inquiring afterwards what that demand should have been—a proposal which the retiring members consider to be unworthy and humiliating.

It is true that Her Majesty's Government have called for an increased contribution of thirty-five thousand pounds a year, or thereabouts, in anticipation of the enquiry. But it must be recollected under what circumstances this has been done. Her Majesty's Government had before them the resolution adopted by the committee of the House of Commons in 1861, which was also the undoubted view of the House at large, 'that the expense of the troops in Ceylon should be in a greater degree borne by the Colonial Treasury.' They also had before them the facts, on the one hand, that Parliament was voting money at the rate of one hundred thousand pounds a year, or not far from it, on Ceylon military accounts, by far the greater part of which expenditure would continue to be necessary for local requirements, after making every reduction to which enquiry could be at all expected to lead, and, on the other hand, that the colony was realizing, year after year, a surplus revenue to fully the amount thus annually voted by Parliament to the present time. Certainly Her Majesty's Government did not anticipate that their proposal would be esteemed otherwise than moderate, when they limited it, pending the institution of the enquiry, to the application of about a third part of the ascertained surplus, in relief of charges on the imperial exchequer of a far greater amount. There will still remain a large field for the enquiry which is to be conducted by Colonial in conjunction with Imperial authorities; while I need scarcely repeat that all future appropriations of revenue, whether to military or civil purposes, will rest upon ordinance of Council and not upon executive acts.¹

(4) That Her Majesty's Government reserve to themselves liberty to entrust the promised enquiry to a commission, rather than to a committee of the Legislative Council.

I have to observe that Her Majesty's Government reserved the alternative, in order that the enquiry might take that form which, on further consideration, might appear most convenient, and most likely to give weight, in the colony and at Home, to the suggestions to result from it. You have been informed, by my Despatch No. 70 of this date, of the reasons which now lead Her Majesty's Government to prefer a commission.

(5.) That the Home Government reserve, in paragraph 83 of the Memorandum on Ceylon military expenditure, the very right to make future 'demands' on the colony which they had abandoned in paragraph 29.

(1) This promise was kept to the ear, but broken to the hope. Whilst Lord Carnarvon was Secretary of State for the Colonies—1874 to 1878—the hand of the colony in financial matters was forced more than once. The colony was committed to expenditure in the same way as the House of Commons was recently compelled to sanction Government arrangements in the matter of the conveyance of the Indian Expeditionary Force to Malta without leave being first asked for and obtained. When the members of the colonial legislature complained, they were told that an ordinance would be laid before them, providing for the expenditure. But their action was fettered, and the officials were compelled to vote against their judgment. A reference to the *Ceylon Hansard* for particulars of the debate on the Oresby Pension would show the manner in which Mr. Cardwell's successors kept this promise.—WM. D.

This is perhaps a misapprehension of the 'demands' meant in the paragraph referred to, which, of course, are demands for legislative votes or enactments—not demands for money without vote of the legislature (the practice to be given up)

(6) That the surplus of £100,000 a year relied on as justifying, among other reasons, the demand for increased contribution, is not a real surplus but merely the result of the late Governor's '*parsimonious policy*,' destroying the efficiency of the Public Departments and 'culpably neglecting Public Works'

The Minute of the Executive Council annexed to the despatch under acknowledgment disposes sufficiently of the complaints made as to the departments particularly referred to by the retiring members. I have, however, some more general observations to make, looking at the total expenditure for civil establishments in Ceylon.

This expenditure in 1860, in the latter part of which year Sir C. MacCarthy assumed the Government previously held by Sir H. Ward, amounted to two hundred and forty-five thousand, three hundred and thirty-one pounds (£245,331.)

In 1863, the last year for which returns have reached this department, it stood at £246,581. The complaint to be met must therefore be, not that this class of expenditure has been reduced, but that it has not been increased. Now it appears that Sir H. Ward, towards the close of his government, viz., in the years 1858-9, made a very general, and, it will not, I think, be disputed, a liberal increase of civil establishment charges, raising the total expenditure on this head from £205,765, in 1858, to £215,331, as already stated in 1860. I understand that Sir C. MacCarthy considered that this large increase, at the present time scarcely five years old, ought to carry the colony on for some years without much further addition. I have no reason to question the soundness of that opinion, or to believe that the Ceylon public departments, as a whole, were conducted otherwise than very efficiently under Sir C. MacCarthy.

As regards the alleged neglect of Public Works, I may refer to the answer made by Sir C. MacCarthy in 1863, when the complaint of neglect of Public Works was made before, in a memorial from the Planters' Association. 'The large and unprecedented votes,' he says, 'which, owing to the elasticity of the revenue, and general prosperity of the country, I have been enabled to propose and carry for useful Public Works,' * * * 'form a sufficient reply to the insinuation,' * * * 'that there has been any stinting of expenditure on this head.' This is fully borne out by the present Minute of the Executive Council, who state that it will be seen, from returns which they annex, 'that the outlay on roads and public works has been liberal and may almost be called excessive.' It is shown that upwards of half a million has been spent on public works in the four years, 1860 to 1863, (independent of the sums contributed from revenue to the Railway,) or about one-sixth of the total revenue collected, exclusive of the export duties, (set apart for the Railway.)

You will be aware that Major General O'Brien, while administering the Government, condemned strongly the state of repair of certain roads and buildings, in a collection of notes of a tour which he made public in the

colony. It is obvious that the state of this or that road or building cannot affect the question of the liberal character of the total appropriations of revenue to Public Works. It will, however, be your duty to enquire into the matters complained of by the Major-General with the officers of the Public Works Departments, from whom he has not, I believe, transmitted any report on the subject; and I have no doubt that you will be able to put any defective works into proper order, from the funds at your disposal.

On the above grounds, I adhere to the opinion expressed in the Colonial Office Memorandum of September last, that the actual rate of expenditure, whether for civil establishments or for Public Works, might be considered of a sufficient and liberal character with reference to the revenue obtained and the requirements of the colony; but you will recollect that the proposals of Her Majesty's Government left a considerable portion of the assumed surplus of £100,000 a year, viz, about £30,000 a year, available for any purposes to which the Local Government might desire to apply it,—as for instance, to increase of establishments, or of outlay on Public Works.

(7) That if a surplus revenue is really available, it ought, 'in justice and good faith,' to be devoted to taking off the export duties (which chiefly fall on coffee) and not to military expenditure

I am unable to find any ground for any complaint of injustice or 'breach of faith' on this head. It appears that the export duties were imposed in the year 1850, to enable the Local Government to give the required guarantee to the 'Ceylon Railway Company,' the then state of the revenue not admitting of this without some additional tax; and no particular duration was assigned to the duties, which were enacted as if permanently. In 1861, when the Company was paid off and the Railway recommenced as a Government work, a plan was proposed by a select committee of the Legislative Council (in a report signed by several unofficial members) and adopted by the Council, for providing the necessary funds, partly from the export duties, partly from an annual contribution of £25,000 from general revenue, and the rest by issue of debentures, which again were to be paid off by the year 1881, according to this plan, by continuing the export duties and annual contribution of £25,000 to that date. This plan the Legislative Council, in 1862, wished to modify, by reducing the annual contribution to £20,000, leaving the export duties and rest of the plan much as before.

My predecessor, the Duke of Newcastle, confirmed the plan as regarded the retention of the export duties, but proposed the substitution of a round sum from balances at once, and a somewhat larger annual contribution during construction, for the contribution of £20,000 a year, from first to last, proposed by the Council. This modified plan, which was assumed in the Memorandum as part of the data for calculating the surplus available for military expenditure, and which has been carried out by an ordinance of the Legislative Council received a short time since from Ceylon, involved the retention of the export duties to the year 1879. There has therefore been no retention of those duties proposed in connexion with the settlement of military expenditure, beyond what was considered reasonable by the committee of the Legislative Council of 1861; and whatever charge has been directed, by instructions from Her Majesty's Government, in the apportionment of the burden of the railway enterprise, made by that committee,

between the export duties, falling chiefly on the Coffee Planters, who will benefit more than any other class by the railway, and the general revenue, has clearly amounted to a transfer of some part of the burden to the latter. If it was deliberately decided in 1861, that the Coffee Planters could be fairly called on to bear the duties till 1881, as their special contribution to a work by which they will be specially benefited, I see nothing in the fact of a general surplus of revenue having been since realized, to make it unfair to adhere to that apportionment of the burden.

I have only further to observe that it was open to the retiring Councillors to have urged in the Council the various arguments which they have put forward in their letter. Their opinions would have been considered with the respect they would have deserved, and a discussion in Council would either have established, on all points, the justice of the proposals contained in the Memorandum, or would have suggested to Her Majesty's Government any reasonable alterations in them. Her Majesty has been advised to accede to their wish to leave the Council, and their names are accordingly not re-inserted in the Royal Instructions addressed to you on your appointment to the Government of the colony. You are authorised to give the present despatch any publicity which you may think desirable.

I have, &c.,

(Signed) E CARDWELL.

Governor Sir H. ROBINSON,
&c. &c. &c.

Meantime opinion in the island had been growing, and it was finally resolved to establish a Ceylon League,¹ the

(1) Ceylon readers will be interested in the following extract from the list of subscribers to the League Fund —

Original League Subscription List.

	£.	s.	d.		£.	s.	d.
George Wall	25	0	0	G. W. Rudd	10	0	0
C. A. Lorenz	25	0	0	C. Tatham	10	0	0
Wm. Thompson	25	0	0	W. Carry	2	2	0
J. Capper	25	0	0	L. Joseph	1	1	0
J. Alwis	25	0	0	A. R. Dundas	5	0	0
J. T. White	10	0	0	George Hudson	1	1	0
Binny Scott	10	0	0	E. Jeffries	5	0	0
C. L. Ferdinands	10	0	0	James Irvine	5	0	0
H. C. Buchanan	10	0	0	M. P. Schmidt	10	0	0
W. Rose	10	0	0	A. H. Fryer	1	1	0
G. L. Williams	5	0	0	E. Nanny Tamby	25	0	0
W. W. Mitchell	10	0	0	F. W. Williaford	2	0	0
R. Crowe	10	0	0	Charles Byrde	2	0	0
J. S. Armitage	25	0	0	Ossen Lebbe Maricar	10	10	0
F. H. Kelson	10	0	0	Cowasjee Eduljoe	15	0	0
S. T. Richmond	10	0	0	Philip Perera	10	10	0
F. Mackwood	10	0	0	Framjee Bikanjee	10	10	0
A. M. Ferguson	5	0	0	P. DeSaram	1	1	0
H. T. Armitage	20	0	0	Keppel Jones	2	2	0
J. P. Green	10	0	0	W. Rollo	2	0	0
Donald MacGregor	5	0	0	J. G. Jayatileke	4	4	0
John Lamb	5	0	0	J. Roberts	3	3	0

chief object of which should be strive to secure an equality of votes in Council. The unofficial members issued a manifesto, in which they said :—‘ The organs of public opinion in the colony unanimously approved of the conduct of the unofficial members. Public meetings were held for that purpose, and memorials from all parts of the colony were sent to the Secretary of State, praying that the royal assent might be withheld, and the bill kept in abeyance, until the result of the inquiry should be known. It was hoped, even at that late stage of the proceeding, that, when Her Majesty’s Government should

	<i>£</i>	<i>s</i>	<i>d</i>		<i>£</i>	<i>s</i>	<i>d</i>
D C Amarasinhe	3	3	0	W Murray	1	0	0
J H Tennckoon	4	4	0	James Bennison	1	0	0
J M L. Moonamalh	3	3	0	D MacGregor	1	0	0
J A. Forbes	3	3	0	D J MacGregor	1	0	0
F. Wingato	2	2	0	F P Murray	1	0	0
W. W. Wynn	2	2	0	G M Skelton	1	0	0
T. Hayley	5	0	0	W. Northway	2	0	0
W. Bisset	2	0	0	C W. Vanderwall	2	0	0
J. White	2	0	0	Edward Oir	2	0	0
E. M. Rossiter	2	0	0	H F. Stephen	1	0	0
T. Hudson	10	0	0	T. W. Francke	1	0	0
B. Grindrod	5	0	0	R. L. Vauburn	1	0	0
J. S. Findlay	3	3	0	G. Heppenstall	1	0	0
F. S. Thomasz	5	5	0	S Fonseka	1	0	0
A. A. Mortimer	20	0	0	P. Daniel	1	0	0
B. Dodsworth	10	0	0	G. A. Dharmaratna	1	0	0
Thomas Gray	3	0	0	C. Jayasinghe	1	0	0
J. Northway	5	0	0	A. De Alwis	0	10	0
W. Davidson	2	2	0	J F Giffenus	0	10	0
W. A. Swann	3	0	0	P D Milhe	5	0	0
A. Grant	2	0	0	W. A. Lyford	0	10	0
P Macrae	2	10	0	R D. David	0	5	0
F. Mackelvie	2	0	0	A. Fraser	2	0	0
F. Palmer	1	0	0	S. Fielder	1	0	0
James Grant	1	0	0	F. W. Horsford	2	2	0
James Anton	1	0	0	T. Naughten	1	0	0
Charles Moir	2	0	0	E G. Leperly	2	0	0
W. Ross	2	0	0	J. S. Alston	2	2	0
John Baker	2	0	0	A. H. Baillie	2	2	0
R. Dawson	10	0	0	Channing Esdaile	2	2	0
J A. Bell	5	0	0	John Reed	1	1	0
N. Cooke	2	2	0	James Mitchell	1	1	0
C. B. Corea	2	2	0	E. Holland	2	2	0
P. Jayewardene	2	2	0	C. H. Alston	2	2	0
C. Jayewardene	2	2	0	R. W. Jenkins	2	2	0
James Ball	1	1	0	A. Davidson	2	2	0
D D Dabrew	1	1	0				
H. Dabrew	0	10	6				
A. Sinclair	1	0	0				
A. C. Imlah	1	0	0				

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have learned the unanimous feeling of the colonists, and have been informed of the condition of the public works and departments, they might have paused before giving full effect to the extreme measure they had taken. The answer to the loyal addresses and earnest petition of the public, has but just reached the colony, in the form of a despatch, which not only announces the ratification of the obnoxious bill, but, as if to make the defiance of public opinion more marked, an order in Council is therein promulgated to legalize the act of the official members, and to give them power to enact measures in future, wholly irrespective of the unofficial element.

‘How striking the contrast between this conduct and that of Lord Grey in 1848! That nobleman, on the representation of a single unofficial member of the Council, admitted the right of the colony to vote its own supplies, and immediately established the practice, as regarded the civil expenditure, promising the same control over the military votes so soon as an inquiry should have determined certain essential matters in reference thereto. His successor, appealed to by not one member alone, but by a unanimous Council and public, in repeated prayers, did not deign an acknowledgment for several years, and when he did reply, it was only to deny the exercise of a right which he admitted they possessed. The right of the Council was equally admitted by both Ministers, but it was put in force by the one and violated by the other. The one established the practice of voting the supplies by the Council, the other set the example of over-ruling those votes, and of legalizing the proceedings of a defective and irregular Council.’

Speaking of the Home Government, they continued :—
‘They regard the colonies as unprofitable and burdensome, and treat them accordingly. They are intent only on what they can exact from them, and if we are to obtain justice, it must be by reliance on ourselves. Even in Parliament

it would seem that a complaint from a colony has little chance of attracting attention, unless it could be made subservient to some party movement. Even in that quarter, we can secure a hearing only by persevering agitation, and by advocating our own cause.'

They proceeded:—'Henceforth, we must trust to ourselves. Our hope is in agitation, a never-failing agency which has prevailed wherever it has been constitutionally and perseveringly applied. We have tried every available means of obtaining justice, and, though we have asked for nothing but what it is admitted we ought to have, and what has been actually promised, our representations to Her Majesty's Ministers, our appeals to the mother-country, and our addresses to the throne, have been in vain, and we have been not only disappointed, but wronged.'

Further on in their manifesto they said:—'The time has thus arrived, when the colony must either defend its rights or become unworthy to enjoy them. If we endure in silence and supineness the treatment we have lately experienced from the authorities, both here and at home, we shall deserve the degradation to which we have been subjected, and such further humiliations as may be imposed upon us. Every one who is alive to the importance of the present crisis, and who has energy and independence to act for himself, however deeply he may be engaged in his own avocations, should unite to agitate for a Council such as could not be compelled to reverse its own acts and pass measures repugnant to the opinions and principles of its members.

'The public, no longer represented in Council, having no more hope in appeals to the Home Government, suffering from severe inflictions, and sensible of serious encroachments on their rights, must now unite to have themselves represented; and they must organize a constitutional resistance to the invasion of their privileges

and a defence of their rights. It is proposed, for this end, to form a political League, to watch the proceedings of the newly-constituted Council, and the Military Commission, and to agitate for such measures as may be deemed essential to the security of the constitutional rights of the colony.

‘It is proposed that the business of the League should be carried on by a central Council in Colombo, and committees throughout the country. Eventually, an agency in London may also be established, and a machinery will thus be organized for systematic agitation. One of the first objects contemplated is the publication of the proceedings on the military question, with all the documents relating thereto, for distribution to members of Parliament and persons of influence in Britain and her colonies. The inefficiency of the Government departments, and the grievances of the public, will be effectually exposed in such a manner as to attract attention and challenge inquiry. To carry on the business of the League, and to give publicity to their proceedings, there will necessarily be some expense; and consequently an annual subscription will have to be paid by the members, the amount of which will have to be determined hereafter.

‘To the League we pledge ourselves, and we confidently hope that it will comprise all those public bodies who represent the capital and enterprise of the country, and every loyal individual who loves liberty and respects himself.’

Once established the League worked vigorously, held meetings, and formed branches in the smaller towns, and prepared, through a Committee in London, for a campaign in the House of Commons. Meanwhile a new Governor had been nominated,—Sir Hercules G. R. Robinson, Governor of Hong-Kong.

The versatile genius of Mr. Lorenz has left on record interesting reminiscences of this period. In a little

volume—enriched with clever thumbnail sketches of the members of Council—entitled ‘The Christmas Debates’ of the island of Ceylon; from the time of the earliest records extant down to the present period; with numerous sketches of the principal speakers, songsters, and silent members: published by authority,’ he makes frequent reference to the action of the unofficial members. When the time came for the sitting of Christmas Eve 1864 to

(1) The following is an exact copy of the preface:—

PREFACE.



ANNO 29 ET 30. VICT. c. 1.

An Act to amend and consolidate the Christmas Debates of the Island of Ceylon, from the earliest period to the present time

Whereas it has been very wisely suggested that the Christmas Debates of Ceylon should no longer remain buried in the obscurity of ancient files of Colonial Newspapers; and that the present is the most appropriate season for republishing them. IT IS THEREFORE ENACTED by the Editor of the *Examiner*, by and with the consent of his Executive Council, as follows:

- | | |
|------------------|---|
| Short Title. | 1. THIS ACT may be cited for all purposes, as “ <i>The Act of 1866</i> ” |
| Commencement. | 2. THIS ACT shall come into operation on Saturday, the twenty-second day of December 1866, at 3 o’clock in the afternoon. |
| Publication. | 3. THIS ACT shall and may be published and sold by JOHN MAITLAND & Co. of Chatham Street, Colombo, at or for the price of Ten Shillings and Six Pence for each copy. And every person pretending or presuming to offer a smaller sum for the same, or claiming the benefit of a presentation-copy, shall be liable to a penalty of One Pound (of Tartar Emetic,—to be drunk on the premises.) |
| Enacting Clause. | 4. THE Debates in the Schedule (A) herunto annexed, are, and they are hereby declared to be, The Christmas Debates of Ceylon; anything in the Roman-Dutch Laws, the Kandyan Customs or The Mahomedan Code to the contrary notwithstanding. |
| Illustrations. | 5. THE Illustrations annexed to the said several Debates shall be deemed and construed to represent the person or persons, whom they are intended to represent, and no other. |

By Order of the Editor,

FRANCIS FONSEKA,
Printer.

begin, the Clerk of the Council refused to proceed with the reading of the Minutes. 'He would not read a single line,' he said, 'until the Council was properly constituted.' 'Six members,' he added, 'had recently resigned; and it was preposterous to call this a Council.'

The veracious record proceeds:—

'The President said if that were all, the defect could be remedied at once. He had invited the six gentlemen to be present, and they had promised to come, though under protest, and on condition that the colony should pay for the champagne, and that the songs should be printed at the public expense.

'About this time a loud noise was heard downstairs, a great rattling of steps, and loud laughter. Several voices seemed to be in altercation:—"You go in first,"—"Not I,"—"Shove him from behind," &c. The voices ceased, and the loud ring of a rupee falling on the ground was heard. Evidently the gentlemen below were tossing up, and the lot fell on Mr. Wall.

'Mr. Wall was heard to say to the others,—“Now then, my boys, if you should see me hesitate, or likely to turn round and run away, hold me tight, and don't let me.”

'The officials all rose as the six members entered. Mr. Thompson said he wished them all good evening, and hoped they were pretty middling. The Colonial Secretary, speaking on behalf of the Government, said they were all pretty well, considering. Mr. Thompson said he was very glad indeed to hear it. The Clerk of Council here said that he was ready to read the Minutes. All the unofficials voted against the Minutes being read.'

In the course of the debates that succeeded and after several clever songs had been sung, the following ingenious parody of an idyll of Tennyson's was produced. The 'extract from the poem' was read by the Clerk of the Council, and was supposed to have been written by the Auditor-General, Mr. Ponnefather.

—When I exclaimed
 ‘Lorenz, of all men, *you* resign the Council!’
 He, shaking his large head pathetically,
 Repeated, muttering—‘Council, council, council’—
 Again in dreamy whispers—‘Council, council, council.’
 But Lorenz yearned to see us all again;
 ‘If I might look on their dear forms again,
 And make a few more sketches!’ So the thought
 Haunted and bothered him, and drove him forth,
 At half past one o’clock one Wednesday,
 Round by the Civil Medical Officer’s office,
 Beneath the stairs, where we sit legislating.
 Thence he looked up, hiding behind a pillar,
 His dizzy head against its polished surface.
 There did a thousand memories roll upon him,
 Unspeakable for sadness—

(Loud cries of ‘No, no,’ from Mr. Lorenz; and the
 Collector of Customs, who was fast asleep, suddenly
 jumped up. The Clerk, however, proceeded:)

—By and bye,
 The ruddy sheet of unused blotting-paper,
 Laid flat upon the semi-circular table,
 Allured him, as some half-seen rock
 Allures the Steamer *Pearl*, until she madly strikes
 Against it, and destroys a couple of passengers.
 The Council-chamber fronted on the street,
 The tallest house in King Street; and behind,
 By one steep passage leading gently onward
 Into a garden near the Printing office;
 And in it throve a sickly *Casuarina*,
 A *Poinstiana Regia*, and a Jack,
 And underneath the trees were rows of pots,
 Which held a few decaying *Heliotropes*,
 A recent gift of William Ferguson’s
 But Lorenz shunned the pots, and boldly climb’d
 Up by the wall, behind the Jack-tree. Thence
 That which he might have shunned, if love of Art
 Had not compelled him, Lorenz saw.
 For pen and ink and paper lay o’ the table,
 And Rules and Regulations: Instructions too,
 And several sets of Ordinances.
 And on the left hand of the Chairman sat
 Gibson, the ‘honorable friend’ of times gone-by,
 Stout, hearty, with huge rolls of double-chin;
 And next to him his chief Crown-Law Adviser,
 A shorter but a more developed Corporation;
 And from his hand dangled a length of ribbon
 Rosy-red, wherewith they bound the colony.

Further, on either side the chair, he saw
The ancient Treasurer and the Auditor,
Also the Agent of the Central Province,
And then the Agent of the Western Province,
Likewise the Customs and Surveyor-General.
Now when th' ex-member, slyly peeping, saw
His chair his chair no more, but horribly empty,
And all the other unofficial chairs deserted,—
And saw with bodily eyes the frightful coolness
Of nine officials legislating in their absence,
And him, the General, sitting in the chair,
Serenely putting questions to the vote;
Then he, though he had read the local papers,—
Because a comedy seen affects us more
Than comedies read in books or manuscript,—
Felt staggered; and, holding by the railing, feared
To send abroad a terrible shout of laughter,
Which, in one moment, like the blast of doom,
Would send the Clerk of Council up a gum-tree.
He, therefore, tuning softly, like a thief,
Lest the harsh pen should grate upon the paper,
And taking a piece of foolscap from his pocket,
Designed a sketch, and drew and shaded it,
And sent it to the chief Crown-Law Adviser.
But some maintain the sketch was Vandor's.

During the years under review events were proceeding quietly and comfortably as respects Mr. Morgan's personal affairs: a large private practice added to the emoluments of the Queen's Advocate's office serving to lift him above pressing cares and to provide for the heavy expenditure entailed by the education of two sons in England.

CHAPTER VIII.

EVENTFUL YEARS : EXCITING POLITICAL AND SOCIAL EXPERIENCES.

1865—1866.

IN 1865, Sir Hercules Robinson became Governor of Ceylon. He landed in the island early in the year, and spent a great part of the time prior to the opening of the session of the Legislative Council in September, in travelling about the island and making himself acquainted with its wants. Sir Hercules had a difficult task before him, as the League had been already formed and was determined upon earnest agitation. At this time, nearly all the ability in the colony outside official ranks were on the League's membership. Notwithstanding, however, the general desire expressed for a reformed Council, the Governor did not find it impossible to induce six gentlemen representing four different races to occupy the vacant seats in Council. The Queen's Advocate, in whom Sir Hercules Robinson reposed great confidence from the moment he was introduced to him, had much to say about the selection of the names of gentlemen who were eventually nominated to the Council.

The session of 1865 was noteworthy in many respects, and, in the proceedings recorded, the Queen's Advocate took an important part. A reference to Mr. Morgan's share in the legislation of the succeeding years will be found in the particulars given later on of the measures introduced by him during his fifteen years' possession of high legislative office. Meanwhile the following passage, dated Friday, January 5th, 1866, may be quoted:—"The

Legislative Council closed to-day. I feel all the freshness of feeling which I experienced when a boy at the breaking-up day in school. The work was heavy, the sense of responsibility with the new Governor and a new Council great, and I felt sorely borne down more than once. But I am thankful to say that I have had strength and ability given me to do my work to the satisfaction, I trust, of the Governor and the public. The session has been an eventful one. Several important measures have been passed. May the result be satisfactory.'

Among Mr. Morgan's letters of that year is the following to the Governor, dated 16th December, 1865 :—'Your Excellency has doubtless read the article in the *Observer* on the report of the sub-committee on the Postal Act. Apart from the motives imputed to us, we are therein charged with having propounded an unconstitutional doctrine when we expressed our opinion that, if the inconsistency as respects the rates upon books from England and books sent from one part of the island to the other must be put an end to, we would rather that the former was increased than that any reduction should be made in the latter. But the editor is quite wrong in his position. We cannot, it is true, alter English rates; those for instance, to Galle, but we can impose any rates we please from Galle to other parts of this island, and that is all the report meant to say and does say.

'The 41st clause of the ordinance bears on this point. It provides that admiralty packets should be delivered free at the ports of call of the steamers. Thence to Trincomalie or elsewhere they must pay local postage. A correspondence took place some time ago between Commodore Montresor and the Post Master General, which was referred to the Post Master General in England, who decided against the Commodore and in the spirit of the 41st clause.

'Your Excellency will excuse me for troubling you with this, but I feel it necessary to explain the fact as

the observation referred to may otherwise convey an erroneous impression.'

A good deal of interest was taken in the Municipalities Ordinance by which corporations (partly elective, and nominated to the remaining extent) were provided for the towns of Colombo, Kandy, and Galle, which measure was passed during the session of 1865. Fifteen years previously such a measure of self-government as is involved in these institutions was offered to the island, but rejected. Now it was accepted with much eagerness, and there were not wanting energetic reformers who saw in this ordinance the stepping-stone to privileges in regard to a Council of greater importance than a municipal assembly. In his diary for January 1866, Mr. Morgan has left a description of the first municipal elections in the colony. He wrote as follows:—

'11th January, Thursday.—Busy with synod letter which I completed and took to Mr. Gibson about 4. He approved of it. The excitement was great touching elections. G. A. told me that L. and myself came in for no end of abuse for advocating C.'s cause. One (he would give no name) charitably prophesied that I should be dead before the year is out. May he himself be spared long to see his prophecy falsified. It is a pity that the burghers should carry class feeling so far. I think C. a better man than V. for the native interest. The burghers are predominant in the Pettah and should be duly represented, and there are already four burghers, or rather will be, besides V. C. is bad as respects English, but his general information is great and his wealth, position and influence among natives, supreme.

'12th January, Friday.—Election at Colpetty and Slave Island went off quietly, C. F. and Dr. W. having been elected for the places respectively. The Fort place was contested for. I did not wish to attend it, but kept myself within reach at the Colonial Secretary's Office if L. should

want me. It went off with very great spirit, and V. was elected. The cheering was tremendous. The votes for L. 49, for A. 39. The military formed the majority of A.'s voters. After election, I returned to the office and replied to several letters from the Colonial Secretary.

'About 5 P.M. an open air meeting was held in the Supreme Court yard in favour of J. A., L., H. D., C. F., and others addressed the voters.'

'13th January.—Attended office and worked till late on reports in Elliott's cases. Was informed that the Pettah election was proving a very stormy affair. I trust C. will be elected. St. Sebastian returned F. de S. Sea street was also severely contested for between E. D. and T. Went to congratulate the winner, T.

'14th January.—No church to-day. Heard of V. being elected for the Pettah by majority of 69. T. also elected as against E. D. T. called and was full of the election. N. called also to relate result of election.

'15th January.—Exciting elections. Attended Cotanachina held in St. Thomas' school. It included Mutwal, and L. had offered himself as candidate. C. P. had got up arches and other decorations. The band of the 25th Regiment was in attendance. C. was to propose L., but it was found that his name was not on the list. So I proposed him, saying a few words to indicate that he was the man and none better. C. P. seconded, and the motion was unanimously carried. The band struck up, and L. made a very neat speech. In the afternoon was the election at the railway terminus. A. was for St. Sebastian, Ellepattoo having retired. A. assured the electors that having examined the list, he was satisfied that he was the best man for the post! He went, with a flag, driven by V. and harangued the crowd at his house in a very self-gratulatory speech,—so I heard,—and at night walked in a ridiculous procession with fiddles and tom-tom, shouting at and for himself! L. was elected for Marandahn

against M. The latter would have been better, as (1), it was desirable to secure more Europeans in the Council; (2), the mercantile interest was not represented; and (3), there are too many lawyers in the Council and too many burghers. L. is, however, a good man.

'16th January.—I am getting anxious as to my health. Last Saturday I felt a sudden shooting pain on the left side of my head, which continued for about half an hour. On Monday as I was proposing L., I felt the same sensation, and it went off in about an hour. Yesterday morning it came on again and lasted the whole day, shifting latterly to the back of the head. Must consult Anthonisz when he goes with me to Maplegam.'

Mr. Morgan experienced in full measure that sorest of all trials to parents in the East who wish to give their children the advantages of English education, viz., separation at the most impressible period of life. His second son Owen was sent to England in the middle of 1865, and thenceforward, for seven years mail-day became an increasingly important feature in the father's life. No mail steamer was allowed to leave without carrying letters to his boys, letters full of wise counsel and pleasing humour. In no aspect of his character does Mr. Morgan shew better than in his treatment of his sons, as evinced in the letters which he wrote to them—letters which have been preserved. The anxiety and love manifested in the following communications will not need pointing out:—

'17th July, 1865.—I wrote a long letter to you on the 11th, which was the advertised day of the French mail. But I was grieved to learn next day that the steamer would not wait for the Colombo letters. You will probably receive that letter by the mail which brings you this, and, as I do not wish to tire you with long epistles when you must be fresh to London, and hardly recovered from the wonders of that mighty city, I will write a shorter letter to-day.

‘ You cannot imagine, my dear boy, in what a state of anxiety we are touching you. It seems a long time since you left us, and we have not yet received any intelligence touching you. The French steamer arrived last Wednesday and I telegraphed to Galle to ascertain whether she had seen the *Golconda*. No, she had not. When we went to England in 1858, we left Ceylon on the evening of the 19th and reached Aden on the night of the 29th. According to that calculation you should have reached Aden on the 15th (yesterday), and we sat wondering what you would be doing in that desolate-looking country. I hope you have enjoyed yourself there my boy—and that long ere you reached the ‘*Portus Romanis*,’ you would have got over your sea-sickness and have become a good sailor.

‘ The house is still terribly desolate without you. J. has taken your place at table on my right, but I often turn to it suddenly expecting to see the loved form that occupied it before. So when we get up, do we turn involuntarily towards the couch on which you slept, and if we turn to the other side, we see Chancellor wagging his tail and looking about anxiously for his young master. Oh! my dear Owen, if you but knew how anxiously your parents think of you and long for you, you will then feel seriously the responsibility which is yours, viz., to try to profit by the advantages which are now placed within your reach so as to prove equal to the expectations we cherish regarding you. Recollect, that you have already wasted much valuable time, and that you have not made so much progress in your studies as you might have made, that you will have to work hard to make up for time mis-spent. Try by every means in your power to gain mental improvement, and whilst you do so, do not neglect your physical improvement. Attend carefully to all that concerns your health, and see that nothing injures it. Avoid exposure to the cold; get over your repugnance to flannel and woollen stockings, for they are indispensable in a

cold country. But, above all things, attend most to your spiritual improvement. Keep your heart pure and be meek; always aim at that which is reasonable and just, and lovely and of good report; pray to God to give you a new heart, to deliver you from temptation, to enable you to avoid sin, and to love Him with all your heart and mind and soul and strength and to love your neighbours as yourself. Make prayer your great guard and comfort. In everything, small and great, seek God's blessing by prayer, and if you do so with a proper mind, God will surely give all that is good for you; study the Scriptures daily, for they can make you wise unto salvation. Your mother and sisters are writing to you, and they will give you all the news of the place so that I will say no more, my dearest boy, than that we pray God daily for your good. May He bless you.'

'30th July 1865.—It is twenty-five days to-day since you left us and we have yet no tidings of you. I expected a telegram from Bombay on the arrival of the Bombay steamer, but none has yet come. All this is trying and would distress us did we not feel that our dear boy is under the care of Him without whose knowledge not a sparrow falleth to the ground, and who will take care of him and protect him and lead him on safely to his destination. I trust that this is also your comfort, my son, and we cannot be too thankful that we have such a rich source of comfort to look to. Parting with those dear to one is painful; it would be ten thousand times more so but for our having His promise, who hath said that He careth for the sparrows and will much more care for us:—the very thought that parent and child, though far away from each other, are still under the kindly care of the same Almighty Being, that, though they cannot see each other, they can both look to the same God and, in holding communion with Him, seem to hold communion with each other, is full of joy. Let our absence

then, my dear boy, be the means of drawing us nearer and nearer to God. Thanks be to Him, we have our girls near us, and we are surrounded with comforts; but our best treasures are away from us, and most true it is that where our treasure is there will the heart be also. How wretched should we feel if we were not comforted from on high, and if we did not believe, as we do, that the same All-seeing eye watches our treasures and ourselves and that He will, in His own good time, bring us together in happiness and love. Again and again, my dear Owen, I entreat of you to make religion your chief care. God says to you, "My son, give me thy heart." Give it to Him while the freshness of life is yours, devote yourself entirely to His service, and rest assured that by doing so, you will secure to yourself happiness here and happiness hereafter.

'The house is still very dull without you, and I have over and over again, when I wanted a book or paper, been on the point of calling out "Owen," but presently I feel that dear Owen is too far away to hear me. Chancellor, I am sure, still thinks of his young master, for he whines piteously in the morning first thing as he comes up to me wagging his tail, and all but saying, "Where, oh! where is he?" He sleeps still in our room, but for the last day or two he lies on the entrance from your mother's dressing-room to the bed-room; he seems to like the cold cement of the floor, for the mat does not reach that place. King, Pearl, Tray, Jeddo, Emeu and Blacky are well, but Robert is ill and growing thin. The horses are all well; we are trying to train the donkeys the Chilaw Moorman brought for you to go and fetch ice every morning. Josie is attending to the poultry regularly, and we get fine fresh eggs every morning for breakfast, not so large, though, perhaps, fresher than any you get where you are. I wrote to Shanghai and Australia for two dozen of fowls, so that we are likely to have a large collection of rare poultry by

the time you return. The Hendella bungalow is nearly finished, and it will be painted to-morrow. When we hear of your safe arrival, we will get up a house warming there. I have named it "Alibi Lodge," as I mean to go to it whenever I want to establish an alibi and steal a holiday. We have not been to Gumbatille since you left: although I mean to do so one of these days. I have given C. notice to quit as he is of no use; he does not seem to take care of the place. I shall give David's brother charge of it.

'The servants are all well. J. is sorry we did not send him with you, but I think we did right. It was time that you should have commenced to work for yourself, and the steward would have been sufficient for any little thing in which you wanted aid. Bob has some of your old shirts and coats, and he sports one every day—seems quite proud of them, particularly of the pineapple fibre coat which he looks upon as silk. If you can get the cheap photographs for which they used to charge a few pence, send one to each of the servants; they will be glad of it.

'We are all very well. * * * I am afraid that you were not allowed to land at Aden and Malta, and that you would be hurried through Egypt, as we see in the papers that there is cholera in all these places. I trust you will tell us in your letters who among the passengers were kind to you, and how the steward behaved, and what you gave him, and how long you suffered from sea-sickness, and how you enjoyed the voyage? In fact a perfect diary as you kindly promised me in which everything is recorded from day to day. Do so, even after you reach England. I asked Richard and the girls to follow this plan when they first went; they promised but did not keep their promise. Let me see how you will act.

'I am busy preparing the ordinances for the next

session,—amongst others, a Municipality ordinance by which I hope to have Colombo made a pretty town, lighted with gas, supplied with springs and fountains and gardens and squares and parks. I will send you a copy of the ordinance. Do you want any of the Blue Books or Civil Lists? I am afraid you will not have much time to attend to them or to make establishments and apportion salaries as you used to do. I hope you will make a good use of your time, and study hard, so that you may come out soon to carry out the grand schemes of improvement which you used to project.'

The Municipal ordinance has done much for Colombo, but, alas! it has not yet made of the city the thing of beauty shadowed forth in the above letter. A few months later, Owen having been disappointed at some of the English critics, and having expressed his disappointment in the emphatic language of youth, his father retorted 'Perhaps, when you return you will call Colombo a nasty hole. By that time, however, the Municipality will be in good working order, the streets will be better lighted than London, and we shall have our parks and promenades and gardens.' The father had all the desire of the Scotch matron whose chief desire was that one of her sons should 'wag his paw in the poolpit.' In one letter to his son Owen, Mr. Morgan says:—'Will you let me again, my dear boy, allow me to express my hope that you may yet return to your "first love," and follow the profession which you seemed bent upon when very young? I am afraid you are beginning to yearn after the flesh pots of Egypt, 'Merchants,' 'Engineers,' 'President of Prince Albert Town,' 'Indian Civil Service,' they are all nothing to the noble profession of preaching the Gospel. Following it, you will be best able to fulfil the main object of life, promote God's glory here and the good of your fellow men. There are few things I desire more than to see one of my sons chaplain of Trinity before I die and to sit under his

ministry. Then indeed shall I feel that I can "depart in peace."

Another letter trusts that 'by February next the Tormes will be defeated and Gladstone at the head of affairs.' As has been already stated, 'Mind you spend 7s. 6d. in illuminations when this takes place,' is the counsel given to his son by the Radical who was chief Law Adviser to the Crown in Ceylon.

The year 1866 was an interesting one in Mr. Morgan's life, marked by many important events, the narrative of which is the history of the colony. The voluminous diary kept during that and several successive years, furnishes much that is interesting and of value.

'22nd January.—Went late to office and was busy the whole day with the answer in the Admiralty case. Heard of further jobs contemplated by the Municipal Council. The sanitary sub-committee recommended that the sanitary officer should get £800 a year without, or £400 with, private practice,—more than the Principal Civil Medical Officer for the whole island. And that the roads officer should get £600, 50 per cent. more than the sum the Government now pay for the very work. Then there is my friend G. longing to get the Secretaryship with £500 a year! What a nest of corruption the Municipality is likely to prove!'

'24th January.—Left by the morning coach for Galle. Mr. P. spoke strongly of the evil done in the reckless advantage taken of the Partition Ordinance of 1844, by setting co-heirs against each other, buying the share of one and insisting on sale of the whole, &c.¹ The consequence is that, whereas the mission station at B. was surrounded with natives owning small holdings, peacefully cultivating their lands and pursuing earnestness

(1) The same results which followed the introduction of a similar Act in Ireland, after the famine, as described by Mr. A. M. Sullivan, M.P., in his 'New Ireland' were characteristic of the Partition Ordinance in Ceylon.

of industry, now they are driven away from their native soil, weaned from peaceful pursuits, and fast becoming demoralized in every respect. This confirms the view I always took against the introduction of primogeniture and the compulsory or legal discouragement of partition. If the happiness of the people be the object for us to strive at, that happiness is not attained by the course indicated.'

'25th January.—Letters from Home this morning tell me that a telegram from John Whittard announces the death of Allan Drieberg at Cheltenham on the 14th January, after a few days illness from an attack of inflammation of the lungs. Poor afflicted mother, her cup is full even to overflowing! God alone can console her; may she fly to him for solace, and may a merciful Providence enable her to see a smiling countenance behind a frowning face. This affliction comes home to us. Owen went with Allan, both in good health and promise. One has been taken and the other left. The choice of the destroying angel might have been one of agony to us, but the Father of all mercies has averted the blow from our heads. Let Owen and we take care that it is not to cumber the ground that we are spared.'

'26th January.—We left for Baddegamma after four and did not reach it till about eight. A. and F. V. accompanied me. We found the rest-house nicely prepared for us with white old decoration, &c., and, what was better still, a capital dinner from de V. We left about two and went on to Nagodde, where a Singhalese man (a retired process server) had prepared a nice tiffin for us. We left in half an hour and reached the village of Maplegam shortly. At the limits of the village Singhalese music and men in grotesque dresses were waiting to welcome us; they continued their execrable music along the towing path till within three miles of our destination when we got out of the boat and walked. Enjoyed our village walk

much through this densely populated, highly cultivated village, and got to the Vedahn Aratchy's house prepared for our reception by seven. Dined and retired early to rest.'

'27th January.—Up early, and walked about the grounds. Admired sun rise view of the hay-cock. Conceived project of colonizing some 1,000 acres of land at Hiniduwa, with small holdings of 25 acres each granted to young burghers willing to emigrate thither and establish small farms. Great thing to wean them from their quill-driving propensity and encourage love for agricultural pursuits. Anthonsz and de Vos think favorably of project which must be elaborated in Colombo. Bath in the river which we enjoyed much,—after which commenced enquiry at eight. After breakfast went to the scene of the alleged murder and resumed the enquiry. Much new light thrown on the matter from inspection. The effect of the enquiry will be good on the native mind as showing that the Government will keep faith with the people, however little they may deserve it, and that it will spare no pains or expense to ascertain truth. Closed at eight when we got into the boat and left Maplegam. Splendid run down to Baddegamma, current being with us. Reached the place at seven, but servants not having been sent beforehand, we could not dine till ten.'

'29th January.—Went to the office, but could not do more than write Overland letters. Propounded my plan for raising "Albert Town" at Hiniduwa to H. Dias, who is favourable and will join.'

It is matter for great regret that the scheme for establishing a burgher agricultural colony with 'Albert Town' as its centre, was not carried out. The idea, however, was not forgotten: it was talked over again and again in after years, but want of capital and want of leisure prevented the scheme being tested by the principle which

Sir Hercules Robinson about that period made immortal in Ceylon, viz., 'Will it pay?' The present (1878) state of the labour market in the island shows that some such an outlet for burgher energy is more imperatively needed now than it was in 1866 when first devised.

'2nd February.—Dear Owen's birth-day, the first birth-day he has been away from home. God have mercy upon our boy, and give him many many happy returns of the day—and hasten the time when he will return to us improved in body, mind and soul. If there be anything on earth I desire more than another, it is to see my dear boys return to us and getting on prosperously in life—one of them, if it please God, a faithful preacher of God's word, setting forth his glory here, peace and good-will among men. Then indeed will I join heartily in old Simeon's prayer. Had a committee meeting on the Cemetery Ordinance; conferred with Mr. B. B., as to Galle face charges which are fair. V. is for closing the present Pettah burial ground, to which I am strongly opposed. If closed at all, it should be partially only. Visited Mooloorajahwella fields with Lorenz and others.'

'5th February.—Arose with a sense of heavy work which I ought to have done but have made but little progress in reaching and overcoming. I sometimes fear that I shall never succeed, for, from the moment I commenced business, I cannot call to mind one single day, any occasion, when I could say I was perfectly free from work. There was always something to do, something not done. And thus was it, indeed, since my earliest recollection. So at school, so in life, when school boy cares were thrown aside and heavier matters engrossed my attention. And the feeling comes upon me that so will it be until the scene is closed and life's fitful fever is over. Verily, will the end come upon me like a thief in the night, in the midst of works, of anxieties, of soul-engrossing cares. There is one satisfaction, those works,

anxieties and cares will not stop the mandate ; nor could one wish it to have that effect if but his lamp was trimmed, his oil ready.'

'10th February.—Meeting of Prison Discipline Commission at one. Examined I. A. according to whom the treatment of prisoners at Malacca and Singapore is far more lenient than in Ceylon. People in a higher position (*e. g.*, clerks) are employed as clerks themselves and allowed to reside at large. Engaged house at Nuwera Ellia for March, April and May—£10 a month. A spell of cold will do my wife and me great good ; and I shan't be the worse for it and for the rest which I may there enjoy.'

'12th February.—Commenced Mackenzie's Roman Law, which I hope to get methodically through, making full notes. Employed in the office principally, with the gold-bar case and wrote to Captain B. In the evening had a dinner party ; the Austrian crown jeweller, several Germans and Lorenz dined with us. Germans very musical ; the crown jeweller especially amused us much with German songs. Broke up at twelve.'

'13th February, Shrove Tuesday.—Supreme court sat to-day, and I got rid of two cases, one Colombo in which I succeeded in securing a reversal of two decrees, and the other from Matara which was affirmed. A Police court case from Cultura also affirmed. Engaged afterwards in studying questions submitted for opinion as to the right of an agent to pledge goods of principal, he himself having no lien thereon. I think he has no right in that respect, nor had he by the English law, although the power was afterwards given by statute.'

'14th February, Ash Wednesday.—Went for a trip in the train with all my party. Met Mr. W. C., who was going to Kandy with D. to see the Governor on the currency question. He is an advocate for the decimal coinage system making the rupee an unit. Enjoyed the

travelling amazingly ; the day was fine and the country around beautiful.'

'15th February.—Came to office and worked till after five, particularly at the opinion for the Asiatic bank as to the right of agents to pledge goods of principals. Held that though by general rule of Dutch law agents have no such power—yet '*moribus nostris*' according to Voet and others they have such power. The pledge to banks is particularly upheld by Voet. Telegraphed to A. C Stewart, P. S., to know if I should be wanted for counsel before the 23rd. Heard in reply, that the Council could be held on the 25th, so that I will go to Galle to conduct gold-bar case.'

'16th February.—Heard of Singanayegam's death last night. He was a very worthy man, and, though an interpreter of a court, perfectly honest.' This is hard measure for interpreters of Ceylon Courts.

'17th February.—After a brief and feverish rest, for my wife was worrying about my leaving her, got up about four and prepared for my journey. Met coach at post office and Lorenz was there. Called at J's. and heard from Geo. Stewart that a search was made and four gold-bars discovered. Stopped at L.'s and saw Trutand. Pleasant day throughout. Wretched breakfast at Bentotte. Reached Galle at half past four ; saw Nell, Bayley and the chief. Large party at the old mansion waiting for the steamer for Suez which goes to-morrow.

'23rd February.—Proceeded to Kandy for Executive Council. Enjoyed the train very much, but the coach afterwards "horrid." Arrived at half-past four, and thought of the bright genial face [Mr. J. A. Dunuwille's] that would have been there to meet me, but that he had been laid low within the last few months ! Terribly low spirited in consequence. But G. made me welcome.

'24th February.—Long Executive. Asked to dine with the Governor, but made an excuse as I was feverish

from cold. After Council saw Mrs. Dunuwille, and visited the grave of my dear friend. At the beginning of last year, I saw him give his daughter Maria in marriage, and father and daughter as happy as they could wish to be. They now lie side by side of each other, and the happy remembrance of the past is all their friends have to comfort them.

'28th February.—Went to office yesterday and had conferences with Maartensz on W. R. and Co.'s estate matters, and settled libel as to Dixon's estate, but could not do much more, besides giving instructions to Bayley, de Saram, Fisher, and Laharpe in the gold-bar case, as to Crown work. The day passes so rapidly, and there is always so much time taken up in empty gossip. Could not go to the fort as I had intended. Went to Trinity at half-past five and distributed prizes to choristers which should have been given last Christmas.

'1st March.—Up late owing to last night's dissipation, —(a festive gathering under a friend's cocoanut trees)—and could not do much work in consequence. Went to fort first to confer with D. as to my opinion on the case submitted by Stuart and Bennett, trustees of Mrs. St. J. Went to call on the Registrar-General who is laid up with fever. Called on the Surveyor General who was not in. About two hours spent in idle gossip after my return, so that I could do little or no work. Wrote to Richard and Owen

'5th March.—C. S. called this morning to recommend J. to me. Promised to bear him in mind. It seems, as a supplement to the story of his being imprisoned by J., it is now stated that I went up to Kandy express, and obtained a pardon, receiving £1,500 for my trouble. Not a bad sum that to receive in these hard times! What next, I wonder? Mr. S. called to ask my "favour" when a vacancy occurred in the Lands Registration Department in the Eastern Province.

'7th March.—Did a good bit of work in the office, though Mr. MacCarthy took a good portion of my time in absurd questions about registration. He informed me that the Governor had appointed me, himself, and Dickson a committee to arrange details previous to bringing the Marriage Ordinance into operation. I don't like the constitution of the committee, and must consider whether I should act. N. came to ask me to get B. a place in "the service," but I pointed out that the service seemed almost inaccessible just now and that my interest was very limited. The prospect of being ordered out of Colombo (should B. succeed) seemed to put even N. out. He did not object to let B.'s affianced to Jaffna, but any other station he demurred to. He then spoke of B. buying up the *Examiner*, setting up as its editor, and being admitted as an advocate in addition. I promised to sound Lorenz on the subject and found him willing to give up the paper. I had warned him against it from the first and foretold that he would repent of his connection with journalism. Heard from the Governor, who wants a memorandum as to the fiscal's office—the working of which, he says, is reported to him as very bad. L. thinks that S. had a plan to make the department entirely independent of the Government and under the supreme court, but this I think would be objectionable.

'12th March.—Got up at six. Received an invitation from Mr. Cairns, dated "Saturday night," asking me to dine with him "to-morrow" to meet H. R. H. the Prince of Condé. C. called to ask for interest with Fowlie and Richmond to procure his son the clerkship of the chamber of commerce,—S. retiring on pension. Promised letters to Richmond and Wise. Asked — my interest to get him the Municipality Inspectorship which J. vacated. Promised to speak to Lorenz and de Saram. Did very little work in office. Conference with N. on liability of

assignees of S. and B. to action by D. T. and Co. Conference with B. on Kandy murder. The rest of time in idle talk, which very much vexed me.

'15th March.—I omitted noticing in my journal of yesterday that I read three capital articles in the *Law Review* touching Bankruptcy Law, Marriage with deceased wife's sister, and Lord Westbury. The first is very suggestive. What right have we to clear the property of debtors from future liability? The second is very exhaustive. The third was condemnatory of Lord Westbury, but giving him full credit for his great abilities and his successful reforms.

'22nd March.—Not long in the office, as I had to attend the second meeting of the Education sub-committee. In looking over the despatches on education which I got from Mr. MacCarthy yesterday, I came across some very curious documents. There was one No. 121 of 31st July 1840, forwarding a memorial from my brother C. A. M., in his sickly days in which it was stated that I was to get letters of recommendation from Mr. Stewart Mackenzie and Mr. Turnour, when I was about to proceed to England, but that they were denied me because my brother's attack on S. M. in the Matara case, whereupon he resigned his proctorship for prisoners! Also the reasons of J. S.'s. summary dismissal from the office of D. Q. A. in 1840. It seems that S. gave "unsound advice" in two instances which were reported; on the strength of these it was said that Government had no confidence in him. Mr. Anstruther in a memorandum submitted by him (13th February 1840) recommended that S. should be made District Judge (same salary, £1,000) and another deputy Queen's Advocate sent out. But Lord John Russell thought he ought to be displaced, if the Governor believed that the errors were the result, "not of mere casual oversight, but of ignorance of the principles and rules of law," adding "To require you to administer

the Government under legal advice in which no confidence can be reposed, would be to subject you to risks which no Governor ought to incur, and would also be to deprive the public at large of a security indispensable to the interests of justice and to the due conduct of every branch of the Colonial Government. On this subject, you will understand that you possess a discretion altogether unfettered to relieve yourself, if necessary, from the embarrassment of having to resort for guidance to incompetent legal advice." But Lord John held further that the incompetency was as fatal to S's. appointment as District Judge of Colombo. He was accordingly displaced, and Mr. Temple sent out (Despatch No. 27 of 24th February 1840). Presently Arthur Buller took up his cause and wrote strongly to Sir J. Stephen to express his regret at losing S. as D. Q. A. and expressing his opinion that S. was wronged. Lord John Russell authorised his recall to the public service and he was afterwards appointed district judge of Kandy. This must serve as a lesson to me to be careful in the opinions I give. We examined Mr. Sendall to-day. He is strong against a School Commission and greatly in favour of a Director; he was against vernacular schools, and the present system altogether.

'27th March.—Left early for the station *en route* to Kandy, and was in good time. Enjoyed the journey by rail, but the other part of the journey was bad. Bad horses, bad harness, bad everything. The reins snapped before we were a quarter of a mile from the station and, but for White's jumping out and seizing the horses, we should have gone down a precipice. Then the horses would not go, and we had to get down and walk about a mile up-hill in a hot blazing sun. However, from the rest-house, things were better, and we reached Kandy safely by four. Met J. and D. who had furnished a house for us, but the once familiar face which was ever the first to greet us on our arrival in

Kandy and to give us a genial, hearty welcome, was there no more! I was in terrible trouble to find my box of papers, including my notes in the case, had been left behind at the station.

' 28th March.—Obliged to get on with the case without my notes and, all things considered, managed very well. Made out a very good case as to power of attorney, establishing its joint character beyond all doubt. Lorenz made a feeble reply, as he thought, but the best his case admitted of, and, impudent as ever, said his opinion was as good as if not better than Sir Roundell Palmer's! Closed a little after two, and occupied myself by writing a letter to K., then went to the Maligawa to see the eight columns Cuda Banda is going to give me. Visited Justice Temple and stayed with him till after six chatting, after which went again to the Maligawa to see the jewels. Came home and after dinner had a stroll on the bund.

' 30th March, Good Friday.—Went in the morning and had an interesting conference with S. He recommends enquiry as to how far the irrigation ordinance has been carried out by the Government Agents and speaks of the Gansabawas as admirable institutions for settling irrigation disputes. Cuda had previously impressed upon me the necessity of either establishing village councils everywhere or empowering magistrates to recognize and uphold irrigation rules, the neglect of which he says is a great grievance with the natives. I propounded my idea of giving native headmen jurisdiction in small cases, to which he seems favourable. Talked of loosening temple lands by allowing power to alienate, the proceeds being made subject to trust and to enable temple tenants to commute, to both of which proposals he is favourable.

' 19th April.—Left Kandy about seven, and after a drive along a beautiful country, but dangerous road, we reached Nuwera Eliya safely about eleven. It was interesting to observe the gradual alteration in the vegetation as we went

higher and higher. At Gampola, coffee straggling and indifferent. Pusilawa rather better, until we got to the Rothschild, Melfort, and Delta estates where the fruits of increased expenditure were manifest in the more healthful-looking plants. Ramboda trees were decidedly more green, heavy and luxuriant. Then came trees with twisted branches and cockscrewy timber and pines and firs; it was colder and colder as we got nearer Nuwera Eliya. C. was waiting breakfast for us. Enjoyed my bath and sat down to a capital breakfast; a chest cold came on as a reward for the bath. In the evening C. drove me out to Lawton's farm on the Badulla road. Returning we had a narrow escape, the horse having turned round just as we were on the brink of a precipice.

'21st April.—Breakfasted with the chief justice to-day. His garden is a beautiful one. He spoke disparagingly of both —'s; said he believed they had a boo in their bonnets. Advised me to get rid of them. The Governor and Lady Robinson have not gained with society generally. They are too exclusive, see very little company, do not entertain at all, and are very stately withal. Very eventful Council. Colonial Medical Department largely increased, a case of first starving, then stuffing. Major Skinner's pay made £1,500—very properly, only one dissenting. In the evening dined with the Colonial Secretary.

'22nd April.—Went to Cinchona gardens at Hakgalla which I enjoyed much. Had a spill on our return. Quiet day, cold and wet. Dined at the General's and had a very pleasant evening. Mr. and Mrs. K. were at the hotel; the latter on her way to England. He said that he was successful in rearing sheep at Nuwera Eliya. At first he fed them; then they would make no effort themselves, sickened and died. Then he gave no food; compelled by hunger the sheep went in search of it, found it,—effort did them good, caused increased circulation, acclimatised them, and

they began to become fat. Transport and all sheep from Malacca cost him 10s. Fattened (which cost nothing) they sold for 30s. So K's recipe for fattening sheep at Nuwera Eliya is "Don't feed them at all."

'25th April.—Richard's twenty-first birth-day! We have been looking forward for this day with anxiety and joy. Now that it has come, it seems as full of anxiety as of joy. To me the Lord has been truly good and merciful. I recollect the day when I was admitted to my profession. On looking forward then to my prospects in life, I almost felt they were

"Dark as was chaos, ere the infant sun
Was rolled together, or had shot his beams
Athwart the gloom profound"

Indeed I recollect inscribing these very lines in my diary. I was friendless, a few books—hardly half a dozen,—were all I had to guide me in the exercise of my profession. If I wanted others, I must have borrowed them from friends. A few chairs, couches and tables were left me in the house by my mother and sisters when the establishment was broken up and they went to reside with T. at Galle. It is true that the Almighty had blessed me with talents, the proper use of which I felt and hoped would ensure me success. He had also given me a sanguine temper so I would not despair. But there were circumstances which depressed me then not a little. But with us, as with the believers of old, as our need so will our strength be. I applied myself to my work and was able to achieve a moderate amount of success, to outlive all opposition and, on the 1st May 1844, to lead my affianced to the altar. It was a happy day: but not more happy than the day of which this is the twenty-first anniversary, when my dear wife presented our first-born to me!—the first pledge of our heart's warmest, purest, earliest affections. I have had my successes in life—I have had many a day

of triumph and happiness, but none can I recall with so much pleasure, so much gratitude, to the Giver of all good, as the 25th April 1845. * * * We were enabled to go with Richard to England so that we could see that he and our other dear children were happy and cared for before we were separated from them. That bitter hour of parting with Richard at the pier at Dover is still one of the shadows of our life, but our kind Maker has watched over him, and we have been blessed from time to time with good news of him, and we are now spared to see him enter his twenty-first year,—the legal manhood. We grieve that he is not with us, that our eyes cannot rest on the form which now absorbs all our thoughts and affections; but we feel—and it is a consoling thought—that the same Eye that we now look up to, watches over him as well—that we are the common objects of His care and protection. May he preserve our dear boy and grant that he may grow in health and strength * * * *

‘I do not purpose keeping this day in merry making, but have only asked a few friends to join us at dinner. But, as a proof of our thankfulness, and with a view to benefit our faithful servants, I have given to each of them a savings’ bank book containing a deposit of one month’s pay. I hope they will be encouraged to continue henceforward making deposits on their own account:—

	£	s.
Tom ..	1	10
Joseph... ..	1	10
Bastian .	0	15
Bob .	0	10
Baby’s Ayah .	0	10
Louisa .	0	10
Isabella ..	0	10
Cook .	1	10
David	0	15
Juanis . .	0	12
Wellegan		
Adacustan (gardener)	10	
Kitty	0	10

	£	s.
And in money to Juanis (Cotta) ..	1	10
Richard's nurse (Niddamah) ..	1	10
Mis M.'s nurse . . .	1	0
Malay gardener . . .	0	10

* * * * *

‘Twenty-one years have passed since our dear boy was born and though there is much to sadden and vex me now, still I can recall, God be thanked, with freshness the day which was productive of so much happiness to me and my dear wife. Professionally I have enjoyed all the success I could reasonably wish, and he who commenced life twenty-six years ago (31st December 1840) a proctor with a few books, wondering if he would ever get on, if he would live to have a fair practice and acquire property, if he would achieve success in a field where competition is keen is now the official head of his profession, esteemed and respected—though it is I who say it,—by all. He is happy who dies happy and that day only will reveal what my lot is yet to be.

‘On this the birth-day of my eldest son, let me insert some vows I have formed and which I pray the Almighty will enable me, as well for my sake and that of my family to keep :—

1. Strive to pay old debts and not incur new ones.
2. Avoid extravagance.
3. Be strictly true to my word.
4. Restrain my tongue.
5. Judge not uncharitably; question not motives.
6. Be truthful in word and thought.
7. Avoid intemperance and all approaches to it.
8. Avoid unchastity and all appearances of it.
9. Strive for and cherish a deep sense of accountability.
10. Cleanse my way by taking heed thereto according to God's word.
11. Go to the root of things, avoid superficial examination.

12. Waste no time.

‘I have prayed this morning that God may enable me to keep these, so that I may have additional cause with pleasure to look back on my son’s majority.

‘Was hard at work the whole day, but did not accomplish much. Much of my time was taken up in the preparation of the Executive Council minutes.

‘30th April.—Had a long walk on Lady Horton’s walk this morning. Met Mr. Harrison who accompanied me a good way and seemed very gracious for the king of Kandy. He is in favour of Tottenham’s road; and as for the objection touching the Madulsima and Hewa Eliya planters, he seems to think that this will benefit them as much as any road can. He admits that Batticaloa is their natural outlet, but the shipping thence is limited to a few months in the year and coffee taken thither or to Hambantota gets spoilt. No population to cure it in those places. Busy the whole day, but generally in writing private letters. No officials of consequence. Heard of Mr. Allen’s death after five days’ fever. A good man is lost to the world, but he has become one of the garnered treasures of heaven. Dined with Mr. Harrison who made a great parade of his wine—good sherry, but bad champagne.

‘2nd May —I had yesterday a long conference with V. who suggested two ordinances—one to require Kandyans marrying to declare before a Registrar whether the marriage is a deega or beena one, and such declaration, certified to by Registrar, to be final and no oral evidence to be admissible. It will no doubt prevent much false oral testimony, but then, how far is it practicable to provide for like registration as to past marriages? Another idea is to require all deeds before 1834 to be registered within a stated time. This will prevent false instruments which are becoming too common. Had a conference afterwards with Pettigedere Unanse and Cuda

Bandar. They approve of both above ideas. Invited their opinion as to a law enabling temples to sell their lands, but they seem opposed to it, and quite feel that it would give a blow to Buddhism. They are favourable to power to lease which they believe exists now. I was surprised to hear from them that there are many parts of the old Kandyan provinces in which the marriage ordinance is practically disregarded from ignorance.

'3rd May.—Called on R. this morning; he was not in. Called on S. and saw him. He is a very steady fellow, and likely to get on well. I advised him to prepare himself to be called to the bar; he is doing so. Busy whole day, but could not do much after all. I find private correspondence takes up much of my time. Commenced an ordinance on deega and beena marriages. Called on L. in the evening and returned early for dinner. Called on the priests to ask them to put off the proposed picnic in my honour till next week as I feared rain.

'5th May.—Had a capital walk this morning round Lady Horton's walk, a full five miles I should say, and felt all the better for it during the day. Did a good day's work. Wrote to W. C. G. touching baby judges and the law's delays, which are scandalous in these parts. In the evening drove up the Kondesally road. Wife nervous as usual, and could not go far.

'7th May.—Had a long walk to-day in the town. Saw Wijeyesinhe and left settlement of Wm. Kellow's bargain to him. Heard of poor Fisher's death. He was thrown off his horse some five miles from Ampittia, on his way from Badulla, and killed. His poor wife was waiting at Ampittia for him; she had to go to fetch his corpse home. Verily in the midst of life we are in death; and yet we individually go on quite believing that, whatever may befall our brother, we ourselves are, of course, safe. Fisher's case is an instructive one in many respects. After years of toil, he had at last received, or rather was

about to receive, a fair increase to his salary; some of his children had just come out, and, just as he might have begun to expect enjoyment, he is cut down!

'8th May.—Had a long walk and met L., who asked me to dine with him this evening to meet the District Judge. Was rather perplexed at the time and said 'Yes,' for which I was sorry as L. had never called on me, and as I fancied (but it might only be fancy) had never shewn a disposition to court my acquaintance. Had a conference with V. about certain Executive Council matters. Busy the whole day with office letters; also drew out Deoga and Beena Marriage bill and old Deeds bill. Yesterday despatched a lot of circulars on education.

'9th May.—Busy the whole day, but much of my time having been taken up with preparing the contract of Government with the Bombay C. and R. S. N. Company, could not write many letters. In the evening dined at L.'s. Took a bet with him (a dozen of champagne) that ex-Governor Eyre of Jamaica would be tried, convicted, and afterwards pardoned. L. thinks he will be let off, whilst another of the party argued that his name could not be included in an indemnity bill, and that he may be tried in Jamaica, but will either be acquitted or let off, because the jury cannot agree on a verdict. Both were strong against Sir C. MacCarthy. One said Sir Henry Ward's prevailing thought was 'Ceylon,' and he laboured for its good. MacCarthy's was 'MacCarthy,' and he laboured for his advancement.

'11th May.—Went round Lady Horton's walk; met L., who walked back with me. In the noon Dr. Thwaites of Peradenia and T. called, the former mentioned to me that Mr. M. had the Governor's permission to go to Colombo for six weeks, but that he was at a loss for a place. I offered him the use of Hendella if it would suit him. T. spoke of the Dikoya and his difficulty in assessing the district, as part of it belonged to the Western Pro-

vince. He says the Governor calls him Ago, as agent is supposed to be derived from ago, agere, *to do*. Evidently he is complained against for not getting coolies readily, which B. and P. always do without difficulty. The Governor has no idea of the Rajakaria practised to get him coolies for his journey and his kraal!

'14th May.—Nearly finished my Colonial Secretaryship's letters, and commenced those of Agents, D. Q. A's. and J. P's. A picnic at Peradenia given by O. and T. to which the womankind went. I stayed behind as I had lots of work; they returned about 6-30, having enjoyed it very much. I dined in the evening with T., and met L. and D. there. L. says that roses may be pruned in the hot season without fear of killing them, and that they should not be manured. L. is evidently for the new trace by Tottenham; he thinks Tottenham will contract for it.

'18th May.—Took C. to Peradenia again this morning. On the way we stayed at the mail coach office where I saw Mr. Waldock, of the Baptist Missionary Society, who promised to send me a list of the villages in which there were Christian converts who complained of having to render services to temples. Enjoyed our walk in the gardens. Was struck with a remark made by Dr. Thwaites. He complained that he was not allowed a proper number of coolies, and that even stationery, which he had asked for, was cut down. I asked him why he did not tempt W. C. G. to the gardens to represent his wants to him. "Oh," he said, "Mr. G. has no love for science whatever," a very charitable way of construing his parsimony. Mr. Humphreys was there photographing. Took a nice picture of the palms which he produced to show us; on his way to put the glass into the box it fell and broke! He took it in good part and proceeded to take another. A lesson to me for the haste and petulance I indulge in! After breakfast, Cuda, Mulianda Banda the Natu Dewale, Dehigama and

Dullewe called. The two former are evidently opposed to my commutation of service scheme. Cuda said, "Excuse me, Sir, but if you wish to abolish the Buddhist religion do so. Send missionaries round and convert them all. Why go this way \geq ?" making a zigzag with his finger in the air ! Dullewe is for the scheme and gave some interesting particulars of law-suits to enforce services, by which landlords lost hundreds of pounds and gained nothing. He pointed out the distinction to be drawn between parveny (hereditary) tenants and marweny (at will).

'21st May.—Busy from early morning completing replies to letters from Registrar of Lands received since the ordinance was introduced and not replied to. This was the only file brought with me to Kandy and not touched, and this I had the satisfaction of completing before leaving. Then packed up. * * * We left Kandy at half-past one, made first stage well, second stage tiresome, for we walked down Kaduganawa pass. Change again at Utuankandy, my old house which poor Dunuwille took over, very slow, and did not reach Ambanapitiya till near eight, when N. was waiting for us, and he took us down charmingly to Ambepusse. Had refreshment and left at ten and reached Colombo railway station at eleven.

'29th May.—Mr. Ferguson of the *Observer* published imprudently a telegram he had received from Reuter, "Reported that Asiatic Bank stops. Loss £142,000." There was a terrible run on the Bank in consequence, and de S. and myself were summoned to attend. Not having heard from his Directors, C. cannot act on the rumour and he must therefore go on. The report may be true, but it is not likely as £142,000 is less than the reserve, which exceeds £170,000, and the other Bank managers have heard nothing. [The report proved to be a mistake. The telegram should have read, "Reported Asiatic Bank shows loss £142,000."]

'21st June.—Had a long conference with the Governor to-day about several matters. The result was very satisfactory. He sanctioned my preparing an ordinance enabling commutation moneys to be recovered same as road ordinance moneys, and another giving power to Gansahhawa to try minor cases as to village paths, &c., &c. I represented to him that the irrigation ordinance was not put into operation in Yattinewere and Udunuwera. If the Agent could not himself attend to these matters he should have the assistance of superior men of the S. stamp to attend to these matters which greatly affect native interests. * * * I next adverted to the Registrar's department and pointed out how it was starved. Showed that returns from Kandy office in 1864 were £1,895-6, expenditure £931, leaving a clear profit of £1,164-6. In 1865 the receipts were £2,294-19. Ex. £731, leaving profit £1,563-19. In 1866 to 31st May returns were £738-13, and yet this office is starved—has not sufficient hands to perform the work which the ordinance requires. I pointed out that the plan of comparing the aggregate receipts with aggregate expenditure is unfair. Each office must be judged of separately as it proves deserving of support. His Excellency quite concurred in this. He referred to the want of a record office, and said that the only one in the fort was the church; there was no other space. I pointed out that I thought the Record office should be outside the fort near either the kachcheri or the courts. I next led him to the question of affirmations and oaths, and pointed out how the substitution of the former for the latter gave rise to, or rather considerably increased, false suits and false evidence. The anomaly of requiring Christians to swear, and absolving Buddhists and Mahomedans from such necessity was glaring. He agreed with me in the view I took, and approved of the course I indicated as the one I should pursue, viz., bring the subject before

him officially, and for him to refer my letter to the judges.

‘I lastly referred to the question of the power of French Consuls and to his not agreeing with me in the view I took and submitting my opinion to the Secretary of State. Sir Hercules said that he recollected that a similar question had arisen in Hong-Kong when the Home Government decided, on reference, that an ordinance should be brought in enabling consuls to arrest and detain offenders; he could not give details, but referred me to Mr. Mercer. I explained my reasons, and added that had I known he contemplated a reference I should have given them *in extenso*; that I was apprehensive that the Secretary of State might regard it as a complaint. “Not at all,” he said, “not at all.” There was nothing to lead to such a view, and that he was too well satisfied with my opinions to think of making a complaint. I expressed my readiness to give my reasons to be forwarded to Mr. Cardwell, but His Excellency assured me it was unnecessary, and that I should not give the matter a thought. He only hoped the Home Government would look into the subject and give us definite instructions for our guidance.

‘1st July.—Wrote off my memorandum to the Governor, heads of our conference, and referred to “Baby Judges,” and recommended uncovenanted service. In the afternoon went to St. Peter’s where Col. Layard and ourselves were the only attendants.

‘7th July.—Went to see S. in the morning on my way to the office, found him insensible and fast sinking. He conveyed the idea to my mind as if now and then transient glimpses of sense burst upon him and presently vanished; he tried to utter words, but in vain. The keepers of the house were verily trembling and the strong men bowing themselves, the grinders ceasing and those that looked out of the windows were darkened. I spoke

but he heard me not. I left the house sad and dispirited, and when I returned in the evening found, as I anticipated, the silver cord was loosened and the golden bowl broken, the pitcher was broken at the fountain and the wheel at the cistern. A few weeks ago he as little expected death as I do now, and when it came it was without a warning. Wandering and unsoundness of head detected at first, and whilst his friends were wondering at it he was struck down, and where the tree fell there it lies. Not room here for preparation. If these lessons are lost upon me, verily in vain will Abraham and Moses rise from the dead. Visited M. also and found him prostrate and in pain. The Sarams dined with us in the evening.

'18th July.—Dinner party. The Protestant and Roman Catholic Bishops B. and his wife, A., Col. F., and John de S. The two Bishops fraternized charmingly, —but Sillan did not respond to Dr. Claughton's invitation to dine with them.

'6th August.—Miss P. M. and Mr. S. M. called at night to tell me that P. A. was arrested for debt on his way from office. Mr. P. coolly tells me he is largely involved, and indeed owes money to the bank; he has never cared for his debt till actually arrested, so that his case is not deserving of consideration. However, I gave a note to C. M., who is proctor for the man who arrested him, to release him for a week, with the view of ascertaining what his troubles are, and what the chances of effectually releasing him which, I am afraid, from what Mr. P. says, are very slender. This normal state of indebtedness, the utter want of principle in incurring liabilities which one has not the faintest chance of meeting, and the indifference when one is in debt argue badly for the morality of the burghers. There is, in some, an utter want of all honourable feeling which promises badly for their present success and future advancement.

'9th August.—The case of the captain and officers of the "Emily Farnum" and officers of the "St. Albans" charged with assault and wounding, came off to-day. They pleaded guilty and were sentenced, the captain in a £20 fine and the rest in £10 each. Rather moderate punishment, but extenuating circumstances were depended upon by the prisoners. As the prisoners assaulted are now recovering, and undoubtedly were mutinous in their conduct, and as the object of trial was more the vindication of our right to enquire into offences committed by Americans near our shores—an idea prevailing that they were not subject to our laws and jurisdictions,—I am not sorry for the result. But the punishment was certainly too small.

'14th August.—Education Meeting. Considered, first, question of school commission or director. I am afraid of the despotism of a single director, and proposed a consulting board. Came to no decision, however.

'25th August.—After the week's heavy work I quite enjoyed a trip by rail (9-40 A.M. train), reached my land at Pattlegedere and went about devising all sorts of improvements. C. D. and his wife called and left with us in the same carriage. Enjoyed the drive famously. Struck me that much may be done to prevent cattle-trespass by requiring all owners of lands adjoining the line to have a proper fence on their limits, and empowering the railway authorities to make a good fence on such limits, where they are wanted, at the expense of such owners, besides subjecting them to fines for breach of laws. Must consult Molesworth thereon.

'26th August.—Went to church, and after church stood sponsor to C.'s boy. Large breakfast party afterwards, very well got up. But, as usual, the champagne at noon affected me, and I was dull and drowsy and not fit for work during the day. Old Labroy came and amused me much with his old-fangled notions. Can't understand

the short-sightedness of Government in not keeping a rice-store and competing with the chetties, or rather keeping their prices down. The salt revenue is yet his hobby; he thinks the railway and telegraph great mistakes, but the cardinal mistake is allowing the coolies to come here in large numbers and consume our rice, to which he ascribes the scarcity and high prices of the staple.

'28th August.—Rather late in going to court to-day, but could not do much when I got there, for I had to see the Governor at 12-30. Gave him my programme for the session, with which he seemed pleased. Spoke fully of the League and of his reply. I pressed on him how glad I would be to have Lorenz back in Council. He asked if Lorenz had been factious whilst in Council. I replied, "No, by no means; he was very useful." Would Lorenz come? I could not say. Afraid not. His Excellency thought the Insolvency ordinance could stand over until we had an English Act. I thought not, as the subject was urgent. This matter stood over for consideration. Spoke of Prison Discipline Commission and its report, with which he was well pleased. I told him that the Judicial Districts' Committee would recommend new district courts at Kaigalle and Mullativoe; he seemed not to object.'

The reference in the foregoing passage to the League and Sir Hercules Robinson's reply necessitates some explanation. The League agitation had stirred the island to its depths: no town was so small but that it had public spirit enough to convene a meeting, which was sure to be a crowded one, and resolutions favouring the objects of the League passed. The outcome of it all was a memorial to the Queen, the prayer of which contained the following requests:—(1), public control over the disposal of the local revenues; (2), reform of the existing Council in such a way 'as would secure to

the unofficial members as representatives of the public a due influence in the disposal of the revenue.' ¹ When 2,500 signatures had been obtained to this memorial, it was sent to Sir Hercules Robinson to be forwarded to the Secretary of State for the colonies, at that time Mr. Cardwell. A despatch, dated the 23rd of April 1866, accompanied the memorial. It dealt with that document in a most antagonistic spirit, and criticized the various classes in the community with much freedom. The European unofficial member of Council was thus described:— 'He is generally a merchant or a planter, with little or no knowledge of the island beyond the capital or the coffee districts. He is a mere temporary resident, whose sole aim and object is to acquire a competency in the shortest possible time so as to escape from the island for ever. He is a member of a small but dominant class, whose interests often conflict with those of the majority of the inhabitants who are life-settlers. He has, in the appropriation of the general revenue of the colony, to which he and his class contribute but an infinitesimal proportion, objects to advance in which either he himself personally or his class are directly interested. And above all he is irresponsible as well to the Crown as to the public.' To a department which professes—professes much more than it practises—to be particularly jealous for the interests of the native races under its control, as the Colonial Office does, such statements as those quoted were enough to ensure the rejection of the prayer of the petition.

(1) One paragraph in the petition made a somewhat impracticable proposal. It said:—'That should Your Majesty not be prepared to concede larger measures of relief, Your Majesty's petitioners believe that the substance of their prayer might be granted, even though the present constitution of the Council were retained, provided that whenever measures of supply were before the Council, the votes of the official and unofficial members were equalized by the withdrawal of some of the official votes, and provided that unofficial members were to preside on such occasions.' The memorialists go on to say, 'Your Majesty's petitioners do not propose this as the best or most suitable arrangement, but in order to show that no violent change would be necessary to accomplish the object of their prayer.'

A few months subsequently, to the surprise and mortification of the colonists, a 'curt, decisive denial of their prayer' was received. This was the more annoying, because prior to the receipt of the Governor's despatch, 'Mr. Cardwell expressed himself in terms which led to the expectation of such concessions as would have satisfied the petitioners and placed Ceylon on a level, as to the form of her government, with some other less important, but more privileged, Crown colonies.'¹ The people of Ceylon had to wait nearly two years before they saw a copy of the Governor's despatch, and were able to deal with its assertions: meanwhile the League, through its London committee, and by the aid of several members of Parliament, (notably Sir A. Buller and Mr. E. W. Watkin,) continued its efforts till 1868, when a fresh impetus was given to the movement: it then blazed afresh, did some good service, and soon afterwards, mainly owing to petty jealousies on the part of some of its promoters, gradually dissolved. But to state this is to anticipate many facts which will have to be narrated later on.

Some further passages from Mr. Morgan's diary for 1866 may be quoted:—

'1st September.—At work at home, particularly with Judicial Districts' Committee report. Went at four to the races, forced rather by the girls. Would not go to the grand-stand, though I had a ticket for it. Interesting in a way, *i.e.*, the girls enjoyed it, and I consequentially. After dinner, read a very stupid article in the *Examiner*, purporting to be a letter from H. G. R. [Sir Hercules G. Robinson] to Lorenz. No wit or humour, but rank impudence, and an assumption of the counterfeit article.

'6th September.—Attended funeral of my dear old

(1) Letter by Mr. Wall to the *Ceylon Observer*, March 1868.

friend Adrian Labroy this morning. There were not many present, but those who attended were all sincere friends of his. By some mistake no clergyman was in attendance to perform the funeral service, but it was not needed. All who knew Adrian Labroy and appreciated his strict ideas of honesty and integrity, respected him. His virtue and morality were lax, tried by the conventional rules of the world, but Adrian Labroy should not be tried by such rules. He belonged to a primeval school, a patriarchal state of things, and if strict unswerving integrity, inflexible honesty and unswerving sense of right could make a man great, he was great.

'2nd October.—Executive Council to hear the "Royal speech." Colonial Secretary quite tame, and said not a word.

'3rd October.—Opening of Council and went through the usual absurd ceremony. Speech excellent, and every one admired it. In the evening a capital dinner at Queen's house. The Governor tried hard to make me play at cards, but I resisted the temptation.'

Sir Hercules Robinson opened his second session of Council on the 3rd of October 1866, and, in the course of his address, made some remarks which gave dire offence to a large portion of the community. Alluding to the scarcity of food and consequent high prices, Sir Hercules said that he had directed his attention to the repair of ancient tanks and the improvement of other works of irrigation. 'In one case,' he says, 'I found that, notwithstanding a breach in the embankment, there is nevertheless, a never-failing supply of water sufficient for the cultivation of 400 acres now irrigated by the tank; and that, although the population within reach is sufficient to cultivate this extent, such is their indolence that rarely so much as even 150 acres are made use of.' His Excellency regretted that the Singhalose would not work on the Coffee estates, but that labour for the plant-

ations had to be obtained from India.¹ Sir Hercules concluded his remarks on this point as follows:—‘The wants of the native population of the island are few, and are easily supplied by an occasional day’s work in their own gardens or paddy fields. Their philosophy, their love of ease and indolence, or their limited ideas, whichever may be the real cause, render them perfectly content with what they already possess, and it is therefore futile, I think, to expect that they could, by any mere outlay of Government money, be ever brought to supply with food an immigrant population, whose presence in the island is mainly rendered necessary through their own apathy.’ The Governor gave great offence to the natives by these remarks, and the Tamil and Singhalese members of Council made pointed reference in Council to this adverse opinion, and strongly resented the reproach of ‘apathy.’

The remaining history of this year—interesting and important to Mr. Morgan—is best told in his own words, as jotted down day by day.

‘6th October.—Council. C. made a very affected and out-of-place speech. Gibson and myself replied to it.

‘10th October.—Council. C. meddlesome as usual, but innocuous. I obtained the first reading of the Registration of Old Deeds and Police bill.

‘12th October.—At Mr. G.’s request sounded C. S. as to whether he would take the District Court of Kandy, which he very properly declined to do. Dined out in the evening. Great scarcity of rice, and prices rising. Had a conference (Mr. Vane and self) with Mr. Newman, agent of the Bombay Coast and River Steam Navigation Company. As a partial measure, and with a view only to the

(1) The answer which was made to this argument was that, owing to the prevailing law, which permits of land being divided into small portions nearly every grown-up Singhalese man was a land-owner, and he felt it beneath his dignity to go and work on a Coffee estate as an ordinary cooly. As an instance of the manner in which land is divided in Ceylon, it was found that nearly two hundred persons had to be treated with for the land needed for a short line of railway in the neighbourhood of Colombo.

wants of our pioneers, recommended an order from Bombay for as much rice as the steamer, expected to leave that port to-morrow, could bring.

‘13th October.—Council to-day. C. meddlesome as ever. Objected to one of my amendments on the Surveyor-General’s bill, which I carried, however, triumphantly. Executive afterwards with a view to our rice difficulties. The Governor took a very correct view of the subject. Government interference always objectionable, as leading to discourage importers and perpetuate the very evil it means to check. High prices lead to (1) increased importation; (2) increased cultivation, and thus the evil adjusts and remedies itself. But adventitious interference with prices often proves disastrous. However the present is an exception, as the question is not one of high prices, but of want of commodity, and we have our labourers to feed.

‘14th October.—Busy with Lorenz on Fiscals’ Ordinance. Crowd came there to complain of rice. Left quietly, but they came here; several hundreds; complain of starvation, children eat poonac and die. Must enquire fully. God have mercy upon them!

‘15th October.—Complaint as to rice continues.

‘16th October.—Great anxiety as to rice.

‘17th October.—Legislative Council. C. asked questions as to head Moorman of Galle which G. answered surlily and impudently with a blunt negative, disputing a member’s right to ask such a question. The Governor interposed, but did not mend matters, for the question as to right should not have been raised on such a trivial matter. Clearly the right to put the present question existed, for if no appointment should be made, query, should not the law be changed? The Mahomedan law has (as it is supposed) held that a man could not marry without the head Moorman’s consent. Contagious Diseases Ordinance discussed. Meeting for the relief of famine-stricken held, but could not attend.

'18th October.—Saw Governor with my Fiscals' Ordinance which he approved. Had a long conference with him on various matters, and particularly as to Commutation Ordinance. He spoke of G.'s opposition to the Fiscals' Ordinance and said that G. had complained to him of my delay in preparing the measure. I explained the difficulty I had in the work, with which the Governor was, or seemed, quite satisfied. It was not fair of G. to have made this complaint, or to be so exacting. So I almost told the Governor, and pointed out to him the difficulties of my position having not only to prepare but to suggest the legislation for each session. Heard on my return that mine and G.'s house were to be robbed at night. Wrote to apprise him of it. Wall and Lorenz called, and I subscribed £50 to the Relief Fund, and conferred with them as to the means to be employed to give relief.

'19th October.—I was very much vexed with G.'s conduct towards me. I went to him. He turned away angrily. I went again to his room, when he was uncivil to a degree. I left him. With all my anxiety to pull well with him, and to put up with slights which his insolence at times subjects me to, my sense of self-respect recoils at his conduct which I can bear no longer.

'20th October.—Executive Council. G. made a furious onslaught on me in the Executive. Complained of the delay in preparing the Fiscals' Ordinance and was markedly offensive. He said that he wanted the opinions of men (with an unmistakeable emphasis) who were competent to pronounce an opinion on the subject. He was shewn to be irretrievably wrong, and was defeated. V. and C. said his manner was particularly offensive. Had to practice no little self-command to prevent an explosion.

'21st October.—Busy with Fiscals' Ordinance at L.'s. Hundreds came there for tickets to get aid from the Relief Fund.

'22nd October.—A very troublous day. I was not well, and meant to stay at home; particularly as I sent an excuse to G. with whom we were engaged to dine to-morrow, but whom I could not meet unless he had explained his conduct on Friday and Saturday. Cowasjie, Nanny, Tambya and Ossen Lebbe came to me and said that there was great scarcity, and wished me to ask the Governor to allow the aid of military to take rice from the custom-house and store the bags in the Pettah boutiques, from which they would send rice to different depôts, where also they wanted guards. It seemed some boutiques had been broken into the night before, and they considered that it would not be safe for them to remove or to keep the rice unless military aid was given them. I went with them, and saw the Governor. Mr. Gibson was present; he also represented certain signs of disquiet which had been brought to his notice. I explained to the Governor that I saw large and uneasy gatherings of people in the Sea street and Main street, but the Governor thought the police force ought to be sufficient, and referred me to Campbell who, he said, had just that morning returned from Bombay. Before we left Queen's house, we heard that looting had commenced, and that to a very large extent, in Sea street, and was approaching Main street. Mr. Layard came to report the same, and the Governor ordered out military to be stationed at the kachcherri, a detachment. I went to Court and heard there of acts of lawlessness. Layard came and reported the same. Went with Layard to Main street where Major Bourke and Mr. Campbell were, and accompanied them to Sea street. Several boutiques, particularly Andappa Chetty's, completely swept out of everything—and, strange feature, Andappa's bonds, mortgage and account books all destroyed! More than looting must have been the object. Went home and found my poor wife very worried and anxious, having heard that the vagabonds engaged in

looting had threatened to plunder my house and to kill me ! Why I should have been specially selected for their resentment, I can't imagine—and to me who had so long been a favoured creature of the *aura popularis*, this was especially tantalizing. C. S. came home and repeated the same story, having heard it from infuriated women engaged in the looting and angrily pacing the streets. I believe that the Municipal Council's operations were peculiarly distasteful at this time, but how am I to be blamed for them. Ah ! but I was the author of the measure. It would seem that some persons had been, of late, industriously circulating vile reports of me in order to excite popular indignation against me. I hope I am not doing any one injustice, but I think I can point to the men to whom I owe all this. God grant me His protection. My conscience is clear in this matter. I have only done my duty. May He enable me to continue to do so faithfully having a conscience void of offence towards Him and towards my fellow creatures, but at the same time not fearing the face of men, but fearing rather Him who, after killing the body, can also hurt the soul. Oh ! may all such troubles lead me to cling more to that Power, who alone can shield me in the hour of danger and of adversity, of sickness and of death, with whom there is no variableness neither shadow of turning.

‘I conferred with Crawford who engaged to bring some twenty-four good men and true to act as special constables. Andrew Silva had also his party.

‘At night an additional party of police and a mounted orderly were to look after Mutwal. But what surprised me more, as I was quietly walking round the garden after dinner, was to find a detachment of twenty-five men under Ensign B. come in with instructions to place themselves under my orders. Presently, a note arrived from the Governor to explain that a deputation had waited on H. E. to represent the necessity for additional protection to

Mutwal during the night which induced him to send the military. I was not to keep them if they were not wanted. After the special constables had been enlisted, I sent the troops away, much I am afraid, to the disquieting of the commanding officer, who would have preferred to stay the night at Mutwal—or rather at Modera.’

The letter to the Governor in which the aid of the military was declined was as follows:—

‘ I am thankful to your Excellency for your kind consideration of us. I was summoned away from town by a rumour of disturbances here, and when I came, I found several places had been pillaged, and the inhabitants in a great fright.

‘ The worst feature is that people from Daloogam (a village three miles hence inhabited by low caste ruffians) have come to town in aid of the vagabonds here.

‘ On ascertaining this, I got some twenty-four strong men in our village together and have employed them as special constables, so that we can well be independent of the military, and I will take care, unless something unexpected turns up, to send the military back at the appointed time.

‘ I thank your Excellency again for your kind consideration.’

‘ 23rd October.—Awoke rather late and heard that the Governor had passed another eventful day. Cowasjee and others came again to ask for assistance to remove the rice from the customs and to sell them at the different stations. Went to C., who promised police for this purpose. Went to Queen’s house and informed Captain Bourke of this, and was returning home when I was turned back at the fort gate by Candappa and others who reported with a vehemence which gave to their representations the look of truthfulness, that the Main street shops were being broken into, and the military ordered out, but nothing like what they represented was to be

found there. At the same time their very appearance was urgent in repressing disorder and re-assuring confidence. Went and arranged for removal of rice from the customs house to the different police stations under escort. Returned late, and the people at Mutwal then were complaining that no rice was to be got. I re-assured them by the intelligence that it was coming, and truly it proved a welcome supply.

'24th October.—Quieter to-day in consequence of larger supplies, but personal threats against me multiply. I am "grinding down the people by taxation!"

'25th October.—Town quieter to-day owing to large supplies. Threats against me repeated. Saw the Governor in the afternoon and had a most satisfactory conference with him. H. E. informed me that he had told Mr. G. that he had no "conceivable justification" for his conduct towards me, that even if I was blameable for delay in preparing the Fiscals' Ordinance he had no right to act in the way he did: but that H. E. thought I was not blameable for delay. He had seen many Attorney-Generals and had done work with them, but had seen none who did their work so promptly and so correctly as I did mine. H. E. further added that he would not allow measures that had been agreed to to be opened up or the members of the Executive Council to come with written speeches against each other and ask them to be recorded on the minutes; that it was not fair to himself that,—after holding his peace as the Colonial Secretary had done when the Governor read his opening speech in the Executive Council, though H. E. had called for suggestions, and said that he had read his speech in order that the members might make their suggestions, and that if they did not do so they would be committed to the policy indicated therein,—he should come at the last moment and raise questions on the principle of the bill to which the Governor had openly committed

himself, &c., &c., &c. I expressed my acknowledgments to the Governor and left him. Attended a meeting of the Committee of the Friend-in-Need Society to which Governor sent £50 and an offer of Government aid (no limit mentioned) to assist existing destitution.

'26th October.—Great scarcity still, and busy going from Cowasjee's and back to devise measures to afford relief. Brought carts of rice to Mutuwal same as on Tuesday, on my own responsibility.

'27th October.—Scarcity much worse, in fact supplies would be nearly all consumed to-day. Cowasjee came to ask for 2,000 bags from Government as a loan. Referred him to V., as I was busy preparing my speeches on the Fiscals' and Arbitration Bills. Found when I went to the Council that the Governor had agreed to give 2,000 bags to be used in selling to the people of the town. This aid did not come a moment earlier than it was wanted! V. told me that G. had asked him to explain to me that he had not meant to offend me by his manner on Friday; he was worried about the rice and was thinking of something else. It seems that the Governor had told him that I complained to B. of his manner. Seeing that he made no acknowledgment for his conduct on Saturday I should not have gone to him, but V. asked me to do so, and I wanted to explain that I had made no complaint to B., and how it was that I wished to speak to him on the subject. Found him anxious to make up, but cold and reserved. Refrigerated myself accordingly.

'31st October.—Council postponed owing to its being mail day. I wrote my letters yesterday to the boys. Partly at Queen's house, very pleasant. The Governor told me he thought no legislation was necessary as to commutation. I asked him not to commit himself to any policy until he had acquainted himself with the subject thoroughly, and conferred with us on the subject.

The Governor is too hasty and off-hand in these matters. It was owing to this that he committed himself in his speech about the natives. With his strict honesty of purpose, he is sure to decide aright if he do not act hastily.

1st November.—Saw the Governor to-day, and handed him Sir Emerson Tennant's report on Colonial Taxation, which he promised to read. I found that he had called a meeting of the Executive Council for Friday to confer on the commutation matter. I told him that that would never do, as the members must acquaint themselves in the first place with the subject, and ought to see the papers beforehand. He agreed to put off the meeting, but was strong in thinking that no legislation was called for!

2nd November.—Busy in Court. Scarcity still, but rice coming in, though slowly. Dinner at the Masonic Hall in honour of B., who goes to-morrow to take his appointment as Acting District Judge of Kandy. Toasts not many. I had to return thanks for the legal profession, and, in doing so, bore testimony to the valuable aid I had received from B. as my colleague, and to his singular industry and conscientiousness.

7th November.—Attended a meeting of the Friend-in-Need Society. We had a curious question to consider, viz., How far men of bad character should be relieved? We came to the conclusion that people in urgent distress should be relieved without reference to their previous character. This resolution was come to with reference to the present scarcity, but the whole question stands over for a full meeting.

9th November.—I hoped to do a lot of work, and was indeed busily engaged when a note from Queen's house took me away. The Governor wished me to take the opportunity to correct the misapprehensions which his speech on the apathy of the natives had given rise to. I conferred with him on the Jury Ordinance, and men-

tioned my objections to Sir E. Creasy's proposal. I recommended a smaller measure providing for a better panel, and, if need be, insisting on giving the Governor power to compel a property qualification. The Governor thought I was right in not insisting upon the radical alteration which the Chief Justice proposed, though he thought seven for a jury worked well at Hong Kong.

'10th November.—Very animated meeting in Council. C. annoyed me much by an attack upon the Education Committee in a very insidious manner. He "hoped the Irrigation Committee would do its work better than did the Education Committee, indeed that it would work and make its report," &c. He, also, in an offensive manner, took exception to the Colonial Secretary referring to the mis-apprehensions as to the charge of apathy in the Governor's opening speech. I got warm and spoke warmly. I pointed out that the Governor could not treat the question without noticing the cause, which, in his opinion, forms the strongest obstacle to the successful extension of paddy cultivation; that if he believed the apathy of natives was the great stumbling block, it would have been simply dishonest not to have said so merely from a maudlin anxiety not to give offence. Was it true or false? I pointed out what previous writers had said on the subject and of the apathy of the natives, and also referred to the fact that labourers had to be brought from India for the pioneer corps for railway works, and for the estates, all which might have been supplied by the natives if they were truly desirous to work; that they would work for a day or two, but that they did not like continuous, sustained exertion, and could not, therefore, be depended upon. I adverted to the late panic and still-existing distress, and pointed out that if those who could influence the natives, particularly those amongst their own body, whose position and prestige enabled them to do so, pointed out to the natives

the necessity of pondering what was said and profiting by the remedies proposed, they would have been of more real use to their countrymen than by exciting in their minds angry feelings.

‘I complained of the insidious attack made on the Education Committee, and explained the cause of delay. This brought C. up. He, in a very unpleasant manner, speaking of me as “*the man*,” he denied the charge of insidiousness. Nothing was further from my intention than to give offence, and I would have said so, but for the fact that the attack was, in point of fact, insidious, and I did not like the disagreeable manner in which he spoke of me. The Governor, after Council, complimented me on my speech, and everybody speaks of it as a great success. But I am not satisfied with myself or with the entire proceeding. Not that I don’t quite think that the Governor could not refer to the question without alluding to native apathy, but that this very apathy is a source of reproach to us who, if we had done our duty to the natives, which we have not, might have done something to lessen, if not altogether wipe out, the charge. I am afraid that the proceedings of this day will render me more unpopular than I am with the natives. But this cannot, of course, influence me. A conscience void of offence towards God and man is what I aim at, and I should not fear the face of man so as to hide the convictions of conscience. Nor should any such consideration induce me not to defend the Governor if I feel, as I honestly do, that, in this instance, he has been unjustly aspersed.

‘12th November.—Decided on planting coffee on my land here, *i.e.*, on a good portion of it. Engaged in the morning in preparing my speech for the *Observer*. Thought of applying to the Governor for a Private Secretaryship, which I want badly. Could not do much in court in consequence of a long conference with T., who seems

more pushing than his seeming bashfulness foreboded. Found Lorenz, Cayley, Ferdinands and others had formed anti-Governmental notions of the occurrence on Saturday, viz., that G. and myself had laid a plot for C. The former (it was said) was to draw him out by referring to native apathy and I then to smash him by a "battalion of authorities." Dias takes a more sensible view. Late in court.

'14th November.—Council to-day. Violent attack against me in the *Examiner*. I could not but anticipate opposition when I condemned the conduct of those whose position and *prestige* enabled them to speak with the authority of natives, but who rather pandered to them unworthily and used their influence to foment discord and dissatisfaction. But nothing could justify the unscrupulous statements made by Lorenz, and in saying of me that I acted dishonourably and "delighted" to run down my countrymen, he must have known that these were unfounded charges.

'15th November.—The *Observer* also has a bitter attack upon me. I am told that the natives speak very ill of me, and that I am detested by them. Alarmists, my wife foremost of the number, apprehend danger towards me personally. But "nil conscire sibi, nulla pallescere culpâ" must be my "muris aheneus." Two lessons, however, all this teaches me which I must strive to lay to heart and profit by; (1), Time was when I delighted in newspaper attack upon others regardless of the pain and annoyance such attacks gave them. I am very sensitive now of attacks upon myself, but have no right to be; (2), I most desired the office of Queen's Advocateship, and fancied that, with it, I could desire no more. All these troubles I have lately experienced I might possibly have avoided in another position. This is one consequence of having other gods before Him who ought to command my best energies, and whose service I should have

my object and study, rather than trusting to earthly made idols.

'26th November.—Yesterday I received a threatening anonymous letter in Singhalese, written in a very offensive tone, and telling me that if the people were not relieved before the 25th, I may expect "powder and shot," though the writer himself might meet with the murderer's doom. Ten years ago, when I left the bar, I believe I was the most popular man in the country. My popularity continued even as Judge. But since I became public prosecutor and Chief Law Adviser of the Crown, the wheel has been turning. God grant, however, that I may not be influenced by fear or by favour to do that which is wrong. Let me aim first at a "conscience void of offence towards God," and only so far as I can consistently with this primary object, "towards man" also. Beneregammegey N. S.'s party came off to-day. His daughter's bridal robes cost £300! I led her to table. G. thought "No Partisan" [a letter with this signature sent to one of the Ceylon papers] unanswerable; said the Governor thought so too.

'2nd December.—Mr. Lovekin preached,—in white. Excuse heat. If he felt it right to do so, though I thought differently, I would have no right to complain, but when people attach importance to it, it is to be regretted that a clergyman should allow such a paltry consideration to induce him to offend his brethren. Professions in sermon fair.

'3rd December.—Trial in D. C. Court to-day, (C. A. Prius, Proctor) which was postponed, however, owing to the non-arrival of the commission to examine witnesses in India; but late in Court. Busy with the opinion as to the conveyance of an estate belonging to the Baroness Delmar. Went to the fort to see the Colonial Secretary, but he had left. Weather very threatening, so could not attend Trustee Meeting. At night went to a concert. Pleasant, but stupid.

'4th December.—Got up late in consequence of last night's concert. Busy preparing appeals. Temple and Stewart, J.J., sat. Holworthy's case was heard. Tottenham is to attend to be examined. Came home about four in consequence of rain. As it was probably the last day of Stewart's sitting, I said a few words thanking him for his kindness and courtesy to the Bar, and telling him that we appreciated his good qualities when on the Bench. He well deserved the tribute.

'5th December.—Council to-day My small bills on Fish, Destruction of Documents and Prison Rules passed without debate—not even amendment suggested. C. spoke about the Prisons Ordinance giving so much power to the Executive, to which I replied. Arbitration Bill and Kandy Marriage Bill also passed with only my amendments. After that sub-committee on Fiscals' Ordinances; only seven clauses passed. C. obstructive and would fain put off the Ordinance till next sessions. Saw His Excellency afterwards. He was very kind, and asked me to prepare notes for his closing speech. He spoke very flatteringly of "No Partisan" as a complete extinguisher. Asked my opinion as to fitting person for the Deputy Registrarship; he seemed evidently to lean to E. B.

'6th December.—Left home early so as to be in good time for the sub-committee. In Council at ten, prepared and got printed schedule to substitute for Fiscals' fees. All the members arrived about eleven, except C., who did not attend till 11-30, which delayed matters, he having had my books, which he brought minus the Index. His object obviously was to delay and obstruct. After Council went to office, and worked till late on Council and official work. Council despatches awaiting me when I returned. Military question settled, the Home Government taking £152,000 for troops, and £8,000 pension. We to build additional accommodation at Galle for the

wing of a European Regiment. The other wing to be stationed at Singapore.

'7th December.—A meeting of the Fiscals' sub-committee from eleven to two, and in spite of C.'s obstructiveness, we did a good deal. A meeting of the Executive Council afterwards, when we considered the Military question satisfactory, but the colony is "done," as to pensions and barracks. Absurd proposal of the Secretary of State to lend £250,000 to the Railway instead of floating debentures, was also considered. This the Governor is opposed to. The Governor has determined to go to Nuwera Ellia on the 14th, and return after Christmas to close the Council.

'8th December.—At work with the Delmar opinion. Went to the fort at two to see the Governor on the Ordinances and the Municipal Councils' assessment. But he was away at the bazaar. Saw G. who passed the Ordinance and was gracious. Drove him home and went to bazaar, where I met my wife and the girls who had purchased freely. Dinner party in the evening.

'11th December.—Left home about half past six to attend a sub-committee on Fiscals' Ordinance at W.'s. Much talk and little work. Breakfasted at C.'s, whence I went to the office. Engaged the whole day in work. Had a meeting of the Board of Examiners to consider Mr. A.'s case. Saw Mr. G. in the evening. On my return home found my wife fretting about another anonymous letter threatening to blow my brains out, if I did not get the price of rice lowered! May neither threats nor persuasion make me swerve from the strict line of duty; but may all these warnings lead me to rivet my faith on Him without whose knowledge not a sparrow falleth to the ground.

'18th December.—Meeting of Executive Council. Judicial District Proclamation passed and another as to Manaar, or rather two Pattus in Manaar, which are to be

transferred to the revenue district of Mulletivoe. I saw the Governor afterwards. He did not thank me much for the draft. I fancy he did not see me completing it in the Executive, but I had no other time, and no one saw it. He asked me to write to him if anything particular happened here.

'15th December.—Meeting of sub-committee on Commercial Law. Agreed upon our report. C. again inclined to be obstructive and to delay the measure, but could not give good reason for doing so. Smith and Maartensz stood by me, and we carried the bill. Heavy rain at night.

'25th December.—Service at Trinity. All the Psalms were chanted. Can't say I like these innovations, but I cannot urge any good objection to the Psalms being chanted, though I have a great abhorrence to the chanting of prayers. I am suspicious somewhat of L. since he took to a white surplice and talked of ornamenting the church. Large number at sacrament.

'31st December.—Got up after a sound sleep; very much refreshed. The dissipation of the last few days was such that I quite enjoyed last night's rest. Went to the office and had a conference with C. S. about the transportation of the two European soldiers who were tried before the Supreme Court. It seems military convicts are to be sent to England, but there are no instructions as to civil convicts. Sub-committee on the Fiscals' Ordinance and agreed to the report which we mean to bring on on Saturday. C. and C. P. L. absent; the former is an awful obstructive, and the latter apparently indifferent to the measure. Judicial districts, the preparation of which gave me no little trouble, was handed to the printer for publication.

'There was a midnight service at Trinity, which I attended with my family. Innovation again! First a sermon by B. B. (an indifferent one), then the litany—

and the hymn, "Pilgrims of the Night." I expect we shall have some trouble yet with Mr. L. One thing he did, however, pleased me much. On Christmas day he announced that the Bishop (as I understood him) had suggested that he should, from the offertory money, contribute in aid of the Propagation Society, but that as the Trustees were laying out judiciously the money which were collected at Trinity, he would not interfere with them, but would only suggest the claims of that Society for consideration. Of course, there was art in this, in so far that he assumed that he had a right to interfere if he pleased. But we are no party to such assumption, and, a Trustee, like any other member of a congregation, being one of those described in Juvenal's Satires "*semper ego tantum auditor*," cannot be bound by acquiescence because he did not publicly protest against what a minister says in church. We owe no thanks to my Lord the Bishop for trying to throw the apple of discord amongst us.

APPENDICES
TO
VOLUME I.

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I.

A FEW REFLECTIONS ON THE LEGAL PROFESSION

The following paper was penned on board the ship "Alexander" in 1839, whilst Richard Morgan was on his way to England. The writer was then in his nineteenth year :—

Of all the professions and occupations which men pursue that of the law has the greatest share of obloquy and banter attached to it. To be an honest lawyer conveys, according to the general acceptation, an idea not dissimilar to that of an honest thief, so repugnant is that virtue esteemed to be to the profession. With the rash and unthinking, and I may add the evil disposed, to such an extent is this prejudice, for one cannot give it a more apt denomination, carried that a man, be his previous life and habits what they may, forfeits all credit for honesty or moral principle as soon as he assumes the toga. Not so, however, with the educated and charitable portion of the community, who respect the man, however much they may participate in the general prejudice against the profession.

To what then, it may be asked, is this obloquy and banter to be attributed ?

To consider the matter *ab ovó* to what it may be asked does this profession owe its origin ? Were men not inclined to rise against their brothers, did all cherish charitable feelings towards each other, or when assaulted, carry into practice the advice of our Saviour of turning the left cheek to such as smite them on the right, lawyers would soon be compelled to lay aside their

briefless bags and betake themselves to occupations more lucrative. To expect, however, such an elysian state of blessedness of heaven in earth as long as flesh and blood remain flesh and blood, is the chimera of a diseased mind. The enthusiastic mind may picture to itself scenes of such transcendent happiness, when nought but an innate consciousness of rectitude would actuate men in their dealings, paralyze the arm of the despot, and make the midnight assassin pause ere he plunges his dagger in the breast of innocence, when peace and happiness would smile triumphant and sin find no resting place in the world—but one glance at the sober reality of things and the delusion is instantaneously broken! The question, therefore, I say, is not whether the profession panders to the failings of humanity, whether it encourages a spirit of querulousness and faction, as long as its *necessity* can be shewn, its necessity to preserve the social structure in due tone, to defend the poor from the oppression of the strong, to check the baneful influence arising from savage might and riches, to guard the sacred rights and liberties of men, and, to use the energetic words of Lord Coke, to shew that the little finger of the law is heavier than the loins of the prerogative. With the same plausibility may the sacred profession be railed against, since, were man in his positive state of holiness, he would need no warning or exhortation from the pulpit.

This point being settled, we now proceed to the consideration of the justice of the stigma attached to it. Against the abstract profession itself no charge can be brought, and wisely has it been observed by the ancient philosopher that it is the man that throws credit on the profession and not the profession on the man, a remark which can with equal truth and correctness be taken in an inverse proportion. That the profession of the law affords peculiar facilities to its followers to act a dishonest part and that men are unhappily not found wanting to take advantage of such facilities, are facts which must be readily conceded, but it does not follow therefore that the profession necessarily makes thieves; as well might objections be raised against reason and religion, because some abuse the noble faculty and others disbelieve the sacred dictates. 'What,' I fancy I hear the advocate against the

profession exclaim, 'are not lawyers bound to defend a cause which they know to be unjust, and do they not thus render themselves a *particeps criminis*?' This objection wears a great semblance of plausibility, and no mean investigation is required to clear it of the dross that envelopes it and show its naked futility. An honourable man disdains to countenance an action which he is *morally convinced* is unjust, and let us fancy such a person refusing to defend an action of this kind when applied to. None will deny that he is acting conscientiously, but the injudicious tendency of such conduct will be apparent when the individual principle is generalized. For clients must have advocates, and the refusal of one to undertake a cause will not have the effect of driving the former from the legal remedy they seek, recourse being easily had to others whose minds are not fortified with similar nice principles of honour. Public principles of policy militate against such conduct, and it is not by such a course that the unprincipled and the profligate can be checked in their vile career. A different course of conduct strikes me as less objectionable.

Instead of refusing to conduct the case of a client who applies under such circumstances, an advocate can, without compromising in the slightest manner his principles, undertake and defend or prosecute such a cause, provided he clears his conscience, first, fairly explaining the provisions under which he undertakes the cause. Let us suppose him address a client who applies to him thus : 'Friend, I have deliberated on the points adduced by you. I have examined all the papers. I do not think your cause a just one, and give you no hopes of winning it. If nevertheless, you persist in my going on with it, I shall do so. I shall take every fair advantage which the law would allow me, but I warn you beforehand that you must not expect me to have recourse to any unfair or dishonourable subterfuge. I am sworn to do my duty to my clients to the best of my abilities, but I have a higher duty to perform, a duty to my God. I have a conscience to look after, and no hope of gain or motive of fear will induce me to swerve from that course which rectitude points out to me. Are you willing to entrust a case into such hands?' Unless the client is lost to every principle of honour, virtue and truth, and every feeling

of propriety is exiled from his breast, he will own the correctness of the reply and drop his suit. But, supposing the wretch is so hardened that he perseveres but is met with such a repulse by every lawyer, he would effectually be reduced to the alternative of abandoning his cause, or, what is equally bad, entrusting it into hands too honest for it, and none can deny that a repulse of this kind would far more effectually promote the end in view than any which can be administered by a refusal to be engaged in the suit. it would at once disarm the malice of the client and leave the delinquent no remedy to which he could betake himself.

I cannot be answered in this by the argument that no sooner does a lawyer take up a suit than he identifies himself with his client, and is bound to do all which the client himself would do, to promote his cause. I admit that when an advocate undertakes a cause, he is bound to preserve sacredly the interests of his client. But to say that an advocate must do all that a client himself would do, is a proposition of rather too dangerous and wide a latitude. This is, in fact, to suppose him endued with an accommodating conscience, much beyond the ordinary desert of human nature. If consulted by a thief, he acts like a thief, by a villain or by an adulterer he shapes his conduct accordingly.

I cannot but quote a passage from Lord Brougham here who speaks rather pointedly on the subject.

‘An advocate,’ says his Lordship, ‘by the sacred duty which he owes his client, knows, in the discharge of that office, but one person in the world—that client and none other, to save that client by all expedient means, to protect that client at all hazards and costs to all others, and among others to himself is the highest and most unquestioned of his duties, and he must not regard the alarm, the suffering, the torment, the destruction which he may bring upon any other, nay, separating even the duties of a patriot from those of an advocate, and casting them, if need be to the wind, he must go on, reckless of the consequences, if his fate should unhappily be to involve his country in confusion for his client’s protection.’

That, in the sacred duties of an advocate, no hope of gain or motive of fear should influence him, must be

admitted on all hands. At the same time I can by no means subscribe to the general proposition, that an advocate must do all which a client himself would do, were he personally engaged. To this I would rather say, that an advocate should act as if it was his own cause. And here comes the question, What, is his conduct allowing himself to be guided by the rule of action I laid down last? To this I cannot answer better than say, all that he can do consistently with his duty to his Maker.

The former engagement may, I am aware, be justified by the allegation that there is a tacit saving clause in all the oaths which Christian men take on this earth and which provides for the validity of such oaths only so far as they do not clash with the superior duties they owe their Maker. Every man, therefore, being expected to act as he ought to do with the same plausibility that the law presumes, every man to be innocent until he is proved guilty, the lawyer in taking up such a charge must be expected to go no further than a regard to his higher duties enables his client to do. The innovation, however, to which I have already alluded will secure the object in view in a way far more direct.

I may as well remark here on the question how far an advocate identifies himself with his client, that in a case of extraordinary turpitude where great injustice has been done to his client, it is but natural to expect an advocate to display uncommon warmth and indignation, calling to exercise all the abilities he is master of, the wrong done to his client imparting him energy, and the justice of his cause adding fresh eloquence to his lips. It is morally impossible that every suit indiscriminately can inspire him with the same feelings, and hence I say, if it be requisite that an advocate should identify himself with every client wretch and villain who chooses to entrust his case to him, let the honourable man betake himself to the plough, or even to begging, and leave the bar to be filled up by none but the unprincipled and the profligate.

It will be evident on examination that all the vices attributed to the profession of law can be traced to what Ovid well denominates, the '*irritamenta malorum.*' The Scriptures also denounce woe against lawyers 'for laying men with burdens too grievous to

be borne' In a well-regulated community where the rates of fees are defined and limited, this evil can, in a great measure, be warded off. That, however, the evil exists in some degree, an impartial mind must admit. Unprincipled men can never be found wanting who would take advantage of the ignorant client, as much as the wily tradesman of the novice or the crafty landlord of the stranger.

Men in general must prize and admit the excellence of the advice given by the old Roman poet:—

'Hic murus abeneus esto nil consue sibi—nulla pallescere culpa.'

But by the lawyer such an acquisition cannot be too earnestly desired. He meets with temptations to which others are comparatively strangers, and is subject to trials which seldom fall to the lot of frail mortality.

Suffer me then, ere I conclude, to indicate the *beau ideal* of an honest lawyer: He takes no more cases than he can properly attend to,—many handsome briefs are presented to him, but he rejects them if he has sufficient before him to require all his time, attention and study. When he undertakes a cause, he feels as if he has undertaken a sacred burden, he examines it with an impartial scrutiny and communicates the result of his deliberations to his client, neither suffering him to faint with despair on the one hand, nor smile with expectation on the other. He suffers no delay to take place in the investigation of the cause. He takes every fair advantage which the law allows him, but scorns the quibbles and quirks and shufflings and subterfuges the pursuit of which characterize the little-minded pettifogger. In all his dealings most scrupulously does he follow the admirable direction of Burns:—

'— Where you feel your honor grip,
' Let that aye be your border,
' Its slightest touches instant pause,
' Debar a' side pretences,
' And resolutely keep its laws,
' Unearring consequences.'

He demands nothing more than what he thinks conscientiously his due. The oppressed find in him a ready friend; truth, virtue, right, liberty, an able defender.

Such a man may not be able to amass an estate or live in princely splendour, but the tide of his life glides on

with a calm and unruffled serenity; and when he is laid on his death bed, contemplating with complacency and satisfaction the tenor of his life, he resigns his spirit, which flies to the mansions of the blessed, wafted by the sighs, prayers and good wishes of the poor whom he befriended, the oppressed whom he succoured, and the weak whom he defended.

II.

PETITION IN FAVOUR OF MR MORGAN'S APPOINTMENT TO THE LEGISLATIVE COUNCIL.

COLOMBO, 1st October 1851.

SIR,—We have the honor to transmit to you the enclosed petition, and respectfully request that you will be pleased to lay the same without delay before His Excellency the Governor.

We have, &c.,

P. A. LOOS,

W. TAYLOR,

C. A. LORENZ.

The Hon'ble The Colonial Secretary.

To

HIS EXCELLENCY THE HON'BLE SIR G. W.
ANDERSON, K.C.B., *Governor and Com-
mander-in-Chief of the Island of Ceylon,*

&c.

&c.

&c.

The Memorial of the undersigned
European descendants,

RESPECTFULLY SHEWETH,

That in consequence of the lamented death of Mr. Giffening, and believing that Your Excellency is desirous of filling up the vacancy thus occasioned in the Legislative Council by the appointment of a member of the community to which Mr. Giffening belonged, and, with the fullest confidence in Your Excellency's disposition to receive in the best possible spirit an expression of the

wishes of any portion of the people whom Your Excellency rules, the undersigned European descendants beg, with much respect, to submit the name of R. F. Morgan, Esquire, Advocate of the Supreme Court, as that of a gentleman, who, by his ability, learning, and independence of character has gained their confidence, and who would, they believe, as a member of the Legislative Council, do equal honor to Your Excellency's choice and to the people's recommendation.

Mr. Morgan is bound to the country by birth, by family connections, and by the possession of considerable property. He naturally feels that his own interests and those of the colony are identical; he will, therefore, strive to advance the prosperity of Ceylon by exercising on her behalf that faculty of enquiring closely, and reasoning correctly, and that power of expressing his views with facility which he has acquired in the honourable and successful practice of a liberal profession.

Under these circumstances, and actuated by these convictions, the undersigned, if vested with the Elective Franchise, would choose Mr. Morgan as their representative in the Legislature of their country; and they most respectfully, but very earnestly, request Your Excellency to exercise that power with which you have been vested by our common Sovereign, by appointing Mr. Morgan to occupy the seat in Council rendered vacant by the death of Mr. Giffening.

And your Memorialists as in duty bound

Will ever pray.

P. A. Loos,
J. DeBreard,
C. E. DeBreard,
G. W. Stork,
G. H. Anthonisz,
D. H. Wendt,
W. A. Kriekenbeck,
Joseph Swan,
P. E. Vanderstraten,
J. A. Martensz,
J. Conderlag,
P. W. Ertzon,
J. E. Andree,
J. F. Prins,
O. Lorenz,
G. F. Nell,
G. A. Wendt,
E. Ludekens,
P. L. Gomes,
P. J. L. Vanderstraten,

Arch. Andree,
J. H. D'Saram,
J. R. Hoffman,
J. H. De Jong,
C. A. Loos,
E. G. LaBrooy,
J. G. Grätsen,
J. A. Christoffelsz,
G. Wendt,
J. H. Leembruggen,
O. S. Fernand,
A. Mills,
C. H. Schwallie,
G. A. Spittel,
J. H. Breehman,
J. A. Fermer,
James Swan,
F. J. DeSaram,
D. O. Muir,
H. VanDort,

H. E. Ebert,
C. A. Pompeus,
G. Schroter,
J. L. Alwis,
M. A. LaBrooy,
P. VanDort,
G. VanDort,
J. A. Margenout,
H. A. Jansz,
J. L. Seibel,
J. B. Seibel,
S. W. Seibel,
P. J. Ebert,
A. Kenneman,
C. G. Loos,
P. L. DeVos,
H. W. Fermer,
T. P. Moldrech,
S. Kelaart,
H. E. Kelaart,

J W. Kelaart,	C A. DeRosayro,	P E. VanGeyzel,
J Maas,	B Rosayro,	C. J. Milheisen,
P M. Elders,	J E. DeRosayro,	A. Baxton,
R. Elders,	H P. Metzeling,	C J. Pibea,
J W. Potgea,	J F. Perera,	J A. Ledulx,
R. W. Elders,	A. Martenstyn,	E L. Wydeman,
C A. Schubert,	J G. Andriezen,	F D. Koelmeyer,
J A. Dick,	H Christoffelsz,	P L. DeKietzer,
A. Senbel,	M Prate,	A L. VanHeer,
J. De Bitai,	G W. Muller,	W H. Jansz,
A C. Aldons,	W E. Muller,	John Mack,
G Ferweida,	G M. Muller,	D. Landsberger,
A. LaHaye,	G Muller,	C VanLangenberg,
W. Carron,	J E. Vanderstraaten,	A W. Mottau,
G A. Passe,	G W. Fiancous,	G A. Mottan,
J G. Ebeit,	J. M. Rodrigo,	J T. Visser,
G H. Ferdinands,	C E. Camer,	H. Hindle,
J. M. Rode,	E. Drieberg,	H W. DeZulva,
H. G. DeZulva,	T Askey,	P. G. Vanderstraaten,
P R. Kelaart,	A H. de Heer,	G. Ball,
C D. DeAlwis,	J. M. de Braun,	F H. VanGeyzel,
D W. Claessen,	W H. Pereira,	A R. Gmger,
Peter deSilva,	J W. Joachim,	J Alexander,
P G. DeZulwa,	A H. Heyse,	H. Askey,
J W. Heyzer,	J T. Prins,	H. Ball,
J F. Heyzer,	H. Driekman,	J W. VanGeyzel,
H. M. Fernando,	J Kats,	C. Schwalbe,
J H. De Jong,	E Kats,	James Loos,
B D'La Harpe,	J A. Weinman,	R. Andree,
R. Brohier,	E Daviot,	J. Garth,
M. Freywer,	A. DeKietzer,	H. M. Anthonisz,
J. Raffel,	J J. Hopman,	J. M. Davidson,
H. Raffel,	E. DeKretzer,	P D. Anthonisz,
W. Raffel,	J B. Moldrech,	E. Ludakens,
R. Andreesz,	C B. Kelaart,	F. Foenander,
J N. Koith,	F D. Alvis,	L F. Schokman,
C. Barbor,	J DeSilva,	J W. Schokman,
A H. Lourensz,	P. Brohier,	P. Mollonius,
W. C. Pompeus,	D DeNeys,	J W. Ohlmus,
M. P. J. Ondatjie,	J. G. Alvis,	W. J. Lourensz,
C. D. DeNeys,	E W. DeHaan,	H. Foenander,
W A. Joseph,	P H. Silvaf,	J. Foenander,
J. Kriekenboek,	N. H. Silvaf,	J. Beven,
H E. Misso,	E Weinman,	J VanDort,
C A. Mack,	H. E. Thomasz,	J A. VanLangenberg,
J. A. VanLangenberg,	J VanHoff,	G. J. Ide,
F. VanDort,	H C. Prins,	L. H. Schokman,
J. L. Dommer,	C Vanderstraat,	J F. Meier,
G A. Aldons,	F S. Thomasz,	J M. Fernando,
C. Heuvious,	J Garra,	C S. Keith,
J. Ball,	M E. Mack,	H. Zulva,
P H. VanCuylenburg,	R. Thomasz,	W. DeRun,
W VanCuylenburg,	C. Barber,	E. Ball,
C. M. Wootler,	J W. Margenout,	A F. Joseph,
G J. Ohlmus,	C VanDort,	J. W. Mack,
J. K. Camp,	B Wilkns,	W H. DeVos,
J D. Riddor,	J H. Wootler,	E J. Doebbratz,
H. Vanderstraaten,	C. S. Siegertz,	P Foenander,
W Vanderstraaten,	B E. Alvis,	C O. DeWans,
J. F. L. Vanderstraaten,	J. B. Koelmeyer,	D H. Rodrigue,
J VonArkadio,	J. VanGeyzel,	W. Ide,
J VonArkadio, Jr.,	B. Raux,	J. W. Jansz,
H. C. Jansz,	A. LaBrooy,	C. E. Alvis,

J S DeFonseka,	J. C Ankle,	G Spittel,
G. H Mack,	J D Freiwer,	J. L. D'Zylva,
J. J VanGeyzel,	W Baptist,	B H. Toussaint,
H. VanLangenberg,	P. Ferdinand,	G. L. Toussaint,
H A. Leembruggen,	J. C. Peera,	J. F. Giffening,
P A VanGeyzel,	P. E Oorloff,	J. C Nicholas,
J Schofield,	J. M Fransz,	W. VanDort,
J. M Schoonman,	O. Rodrigoe,	J. L. VanDort,
J W. VanCuylenburg,	J W Pereira,	C. VanDort,
E G. DeRun,	J S. Misso,	C. VanDort,
O A. E Maas,	G E. Phebus,	B. D. Zilwa,
J. W. DeWaas,	R J. Phebus,	J O. Oorloff,
O. H. VanCuylenburg,	J W. Orr,	A A. Anthoneysz,
R. VanDort,	E. Orr,	J. V. Mortier,
J D. VandenDriesen,	J Drieberg,	O A J. Ondaantjie,
G. VanDort,	W Taylor,	C. E Christoffelsz,
J. A. Franciscus,	F Toussaint,	J. W. R de Lachaume,
J. Wright,	A F Alexander,	A Wallis,
J. C Oorloff,	P Milhuisen,	V. W. Vanderstaaton,
C. N Oorloff,	J. Bennet,	J. D Friskin,
G. A. Rode,	G Andiesz,	J. Wallis,
W. Behng,	G. Milhuisen,	John Loos,
E. H Vanderwert,	S. C. DeHeer,	A. Lodewyk,
J F. Vanderwert,	J. H VanBuren,	T L Nelson,
N. J. Austin,	R. L. VanBuren,	C W Ferrera,
R. Craig,	J E. Nelson,	H. Drieberg,
H. D. Andree,	J. J. Taylor,	H. B Metzeling,
L P Christoffelsz,	G. E. Hoffman,	A O Mortier,
J. Dias,	A. C. Hoffman,	F. L Geal,
J. Albert,	T C. Hoffman,	J. G Ebert,
T. Jansz,	J T. Toussaint,	James Campbell
O. F Fernando,	O. W Carron,	
O. Kronenberg,	J V. Franciscus,	

COLOMBO, *September 1851.*

III.

THE DISTRICT JUDGESHIP OF COLOMBO.

UNION CLUB, *Trafalgar Square, London.*

SIR,—Feeling a deep interest in the welfare of the island of Ceylon, as well as in the civil rights of its inhabitants, and holding property in the island, induces me to request you will do me the favor of laying the accompanying memorial before his Excellency the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonies: praying his attention to the opinions therein contained from the several legal authorities as to the very great advantage of the appointment of legal persons to fill the situation of District Judge of Colombo.

As Mr. Richard F. Morgan is a lawyer of the bar in that colony, and a member of the Legislative Council, and has also acted on several occasions as Dis-

trict Judge in Colombo, I therefore beg to recommend him to his Grace as an individual fully competent to be appointed permanently to that situation.

I have the honor to be,
Sir,
Your very obedient servant,
JOHN FORSTER FITZGERALD.

J. ROBERTS, Esq.,
Private Secretary to
His Grace the Duke of Newcastle.

May 26th 1854.

TO HIS GRACE THE DUKE OF NEWCASTLE,
Principal Secretary of State for the Colonies,
 &c &c &c.

MAY IT PLEASE YOUR GRACE,

Your memorialists trust that the importance of the considerations they are about to submit will justify their addressing your Grace upon a subject of deep importance to the colony of Ceylon with which your memorialists are intimately connected.

A vacancy having recently been created upon the Bench of the District Court of Colombo, the memorialists deem this a fitting time to bring to Your Grace's notice the necessity there exists for appointing a competent professional man to this vacancy, and to give effect to those promises which have frequently been called forth by the inconvenience experienced from the appointment of unprofessional men to that Bench.

Since the year 1832 it has been understood, as a general principle, that this office should be held by a professional lawyer, a principle countenanced and prescribed in express terms by Lord Goderich, the then Secretary of State. In pursuance of this principle the office has been conferred on professional men since 1841, and a temporary departure therefrom by the appointment of a non-professional man in 1846 as Acting District Judge gave rise to much dissatisfaction on the part of the public and led to a strong remonstrance against the acting appointment being laid before the local Government. Under these circumstances, your

memorialists, although comprising only the Ceylon residents and holders of property who are at present in London, have the less hesitation in addressing your Grace, and they trust that the following considerations will induce your Grace to confer the office now vacant on a member of the local Bar, conversant not only with the law of the land, but also with the languages, character and customs of the people

1st.—It is not possible for an unprofessional man to discharge satisfactorily his duties as the Judge of a court in which intricate questions of law daily arise, and to which almost all disputes relating to mercantile and shipping transactions and all bankruptcy, matrimonial, and testamentary matters of any importance in the island are referred for decision.

2nd.—Considering also that the law of the land is with but few alterations the Roman-Dutch law, and that the customs, character and institutions of the natives, and the tenures of land are essentially different from those which prevail in England, and that an intimate acquaintance with these is indispensable to the proper discharge of the office, it is desirable that the appointment should be conferred on a Colonial lawyer, and one who has for some time practised in the local courts.

3rd.—The necessity of such an appointment would become more evident when it is considered that temporary vacancies in the Supreme Court are generally and necessarily filled up by the District Judge of Colombo for the time being. And an unprofessional man, incompetent as he would be to discharge the duties of a District Judge would, if elevated on an emergency (one which frequently occurs) to the Supreme Court, even though temporarily, create much inconvenience and mischief, the latter court being in almost all civil cases, and in all criminal cases, a court of final jurisdiction.

4th.—There is no want of competent men at the Ceylon Bar on whom the appointment may be judiciously conferred, as in several instances where the District Judge was unable from sickness or absence to discharge his duties, the Ceylon Government conferred the temporary vacancies on advocates of the local Bar: arrangements which though temporary gave great satisfaction to the public.

J. W. Kelaart,
 J. Maas,
 P. M. Elders,
 R. Elders,
 J. W. Potger,
 R. W. Elders,
 C. A. Schubert,
 J. A. Dick,
 A. Sabel,
 J. De Bitar,
 A. C. Aldons,
 G. Ferweida,
 A. LaHaye,
 W. Canon,
 G. A. Passe,
 J. G. Ebert,
 G. H. Ferdinands,
 J. M. Rode,
 H. G. DeZilwa,
 P. R. Kolaart,
 C. D. DeAlwis,
 D. W. Claasson,
 Peter deSilva,
 P. G. DeZilwa,
 J. W. Heyzer,
 J. F. Heyzen,
 H. M. Fernando,
 J. H. De Jong,
 B. D'La Harpe,
 R. Brohier,
 M. Freywer,
 J. Raffel,
 H. Raffel,
 W. Raffel,
 R. Andreesz,
 J. N. Keith,
 O. Barber,
 A. H. Lourensz,
 W. O. Pompeus,
 M. P. J. Ondatjie,
 O. D. DeNoys,
 W. A. Joseph,
 J. Kriekenbeek,
 H. E. Misso,
 O. A. Mack,
 J. A. VanLangenberg,
 F. VanDort,
 J. L. Demmer,
 G. A. Aldons,
 O. Henricus,
 J. Ball,
 P. H. VanCuylenburg,
 W. VanCuylenburg,
 O. M. Woodler,
 C. J. Ohlms,
 J. F. Camp,
 J. D. Radder,
 H. Vanderstraaten,
 W. Vanderstraaten,
 J. F. L. Vanderstraaten,
 J. VonArkadie,
 J. VonArkadie, Jr.,
 H. C. Jansz,

C. A. DeRosayro,
 B. Rosayro,
 J. E. DeRosayro,
 H. P. Metzeling,
 J. F. Perera,
 A. Martenstyn,
 J. G. Andriezen,
 H. Christoffelsz,
 M. Piate,
 G. W. Muller,
 W. E. Muller,
 G. M. Muller,
 G. Muller,
 J. E. Vanderstraaten,
 G. W. Pianscus,
 J. M. Rodrigo,
 C. E. Cramer,
 E. Drieberg,
 T. Askey,
 A. H. de Heer,
 J. M. de Bruun,
 W. H. Pereira,
 J. W. Joachim,
 A. H. Heyse,
 J. T. Pims,
 H. Dickman,
 J. Kats,
 E. Kats,
 J. A. Weinman,
 E. Daviot,
 A. DeKretzer,
 J. J. Hopman,
 E. DeKretzer,
 J. B. Moldrech,
 C. B. Kelaart,
 F. D. Alvis,
 J. DeSilva,
 P. Brohier,
 D. DeNeys,
 J. G. Alvis,
 E. W. DeHaan,
 P. H. Silvaf,
 N. H. Silvaf,
 E. Weinman,
 H. E. Thomasz,
 J. VanHoff,
 H. C. Pims,
 C. Vanderstraet,
 F. S. Thomasz,
 J. Garra,
 M. E. Mack,
 R. Thomasz,
 C. Barber,
 J. W. Margenout,
 O. VanDort,
 B. Wilkins,
 J. H. Woodler,
 O. S. Siegertz,
 B. E. Alvis,
 J. B. Koelmeyer,
 J. VanGeyzel,
 B. Raux,
 A. LaBrooy,

P. E. VanGeyzel,
 C. J. Milheisen,
 A. Barton,
 C. J. Pibens,
 J. A. Ledulx,
 E. L. Wydeman,
 F. D. Koelmeyer,
 P. L. DeKretzer,
 A. L. VanHeer,
 W. H. Jansz,
 John Mack,
 D. Landsbeiger,
 C. VanLangenberg,
 A. W. Mottan,
 G. A. Mottan,
 J. T. Visser,
 H. Hndle,
 H. W. DeZilva,
 P. G. Vanderstraaten,
 G. Ball,
 F. H. VanGeyzel,
 A. R. Ginger,
 G. A. Alexander,
 H. Askey,
 H. Ball,
 J. W. VanGeyzel,
 O. Schwalbe,
 James Loos,
 R. Andree,
 J. Gaith,
 H. M. Anthonisz,
 J. M. Davidson,
 P. D. Anthonisz,
 E. Ludekens,
 F. Foemander,
 L. F. Schokman,
 J. W. Schokman,
 P. Mollonus,
 J. W. Ohlms,
 W. J. Lourensz,
 H. Foemander,
 J. Foemander,
 J. Beven,
 J. VanDort,
 J. A. VanLangenberg,
 G. J. Ide,
 L. H. Schokman,
 J. F. Meior,
 J. M. Fernando,
 C. S. Keith,
 H. Zilwa,
 W. DeRun,
 E. Ball,
 A. F. Joseph,
 J. W. Mack,
 W. H. DeVos,
 E. J. Doebbratz,
 P. Foemander,
 C. O. DeWaas,
 D. H. Rodrigus,
 S. W. Ide,
 J. W. Jansz,
 C. E. Alvis,

J. S. DeFonscka,	J. C. Ankle,	G. Spittel,
G. H. Mack,	J. D. Freiwer,	J. L. D'Zylva,
J. J. VanGeyzel,	W. Baptist,	B. H. Toussaint,
H. VanLaugenberg,	P. Ferdinand,	G. L. Toussaint,
H. A. Laembruggen,	J. C. Perera,	J. F. Giffenug,
P. A. VanGeyzel,	P. E. Oorloff,	J. C. Nicholas,
J. Schofield,	J. M. Fransz,	W. VanDort,
J. M. Schoonman,	C. Rodigoo,	J. L. VanDort,
J. W. VanGeylenburg,	J. W. Pereira,	C. VanDort,
H. G. DeRim,	J. S. Misso,	C. VanDort,
G. A. B. Maas,	G. E. Phobus,	B. D. Zulwa,
J. W. DeWias,	R. J. Phobus,	J. O. Oorloff,
C. H. VanGeylenburg,	J. W. Orr,	A. A. Anthoneysz,
R. VanDort,	W. Orr,	J. V. Mortier,
J. D. VandenDriesen,	J. Drieberg,	C. A. J. Ondantno,
G. VanDort,	W. Taylor,	C. E. Christoffelsz,
J. A. Franciscus,	F. Toussaint,	J. W. R. de Lachaume,
J. Wright,	A. F. Alexander,	A. Walls,
J. C. Oorloff,	P. Milhuisen,	V. W. Vanderstraaten,
C. N. Oorloff,	J. Bennet,	J. D. Friskin,
G. A. Reale,	G. Andriessz,	J. Wallas,
W. Beling,	G. Milhuisen,	John Loos,
E. H. Vanderwert,	S. C. DeHoer,	A. Lodewyk,
J. E. Vanderwert,	J. H. VanBaren,	T. L. Nelson,
N. J. Austin,	R. L. VanBaren,	C. W. Ferrera,
R. Craig,	J. E. Nelson,	H. Drieberg,
H. D. Andree,	J. J. Taylor,	H. B. Metzeling,
L. P. Christoffelsz,	G. H. Hoffman,	A. C. Mortier,
J. Diaz,	A. C. Hoffman,	F. L. Geel,
J. Albert,	T. C. Hoffman,	J. G. Ebert,
T. Janse,	J. T. Toussaint,	James Campbell
G. F. Fernando,	O. W. Carron,	
G. Kronenberg,	J. V. Franciscus,	

COLOMBO, September 1851.

III.

THE DISTRICT JUDGESHIP OF COLOMBO.

UNION CLUB, *Trafalgar Square, London.*

SIR,—Feeling a deep interest in the welfare of the island of Ceylon, as well as in the civil rights of its inhabitants, and holding property in the island, induces me to request you will do me the favor of laying the accompanying memorial before his Excellency the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonies: praying his attention to the opinions therein contained from the several legal authorities as to the very great advantage of the appointment of legal persons to fill the situation of District Judge of Colombo.

As Mr. Richard F. Morgan is a lawyer of the bar in that colony, and a member of the Legislative Council, and has also acted on several occasions as Dis-

trict Judge in Colombo, I therefore beg to recommend him to his Grace as an individual fully competent to be appointed permanently to that situation.

I have the honor to be,
Sir,
Your very obedient servant,
JOHN FORSTER FITZGERALD.

J. ROBERTS, Esq.,
Private Secretary to
His Grace the Duke of Newcastle.
May 26th 1854.

TO HIS GRACE THE DUKE OF NEWCASTLE,
Principal Secretary of State for the Colonies,
§c. §c. §c.

MAY IT PLEASE YOUR GRACE,

Your memorialists trust that the importance of the considerations they are about to submit will justify their addressing your Grace upon a subject of deep importance to the colony of Ceylon with which your memorialists are intimately connected.

A vacancy having recently been created upon the Bench of the District Court of Colombo, the memorialists deem this a fitting time to bring to Your Grace's notice the necessity there exists for appointing a competent professional man to this vacancy, and to give effect to those promises which have frequently been called forth by the inconvenience experienced from the appointment of unprofessional men to that Bench.

Since the year 1832 it has been understood, as a general principle, that this office should be held by a professional lawyer, a principle countenanced and prescribed in express terms by Lord Goderich, the then Secretary of State. In pursuance of this principle the office has been conferred on professional men since 1841, and a temporary departure therefrom by the appointment of a non-professional man in 1846 as Acting District Judge gave rise to much dissatisfaction on the part of the public and led to a strong remonstrance against the acting appointment being laid before the local Government. Under these circumstances, your

memorialists, although comprising only the Ceylon residents and holders of property who are at present in London, have the less hesitation in addressing your Grace, and they trust that the following considerations will induce your Grace to confer the office now vacant on a member of the local Bar, conversant not only with the law of the land, but also with the languages, character and customs of the people.

1st.—It is not possible for an unprofessional man to discharge satisfactorily his duties as the Judge of a court in which intricate questions of law daily arise, and to which almost all disputes relating to mercantile and shipping transactions and all bankruptcy, matrimonial, and testamentary matters of any importance in the island are referred for decision.

2nd.—Considering also that the law of the land is with but few alterations the Roman-Dutch law, and that the customs, character and institutions of the natives, and the tenures of land are essentially different from those which prevail in England, and that an intimate acquaintance with these is indispensable to the proper discharge of the office, it is desirable that the appointment should be conferred on a Colonial lawyer, and one who has for some time practised in the local courts.

3rd.—The necessity of such an appointment would become more evident when it is considered that temporary vacancies in the Supreme Court are generally and necessarily filled up by the District Judge of Colombo for the time being. And an unprofessional man, incompetent as he would be to discharge the duties of a District Judge would, if elevated on an emergency (one which frequently occurs) to the Supreme Court, even though temporarily, create much inconvenience and mischief, the latter court being in almost all civil cases, and in all criminal cases, a court of final jurisdiction.

4th.—There is no want of competent men at the Ceylon Bar on whom the appointment may be judiciously conferred, as in several instances where the District Judge was unable from sickness or absence to discharge his duties, the Ceylon Government conferred the temporary vacancies on advocates of the local Bar: arrangements which though temporary gave great satisfaction to the public.

Your memorialists with a view to brevity have refrained from entering into any lengthened details, but beg to refer your Grace to the annexed document, containing a full and clear statement of all the facts that can be collected at this distance from the island, and also the opinions of several of the Supreme Court Judges and Queen's Advocates of Ceylon on the subject of appointments to the office now vacant

Your memorialists actuated as they are by a sincere desire to promote the best interests of Ceylon, trust that they will be excused the liberty they have taken in thus trespassing upon your time at a period when so many demands are made upon the attention of the Government. They feel confident, however, that the well-being even of a remote dependency will not prove uninteresting at the present moment.

- (Signed) J' O'HALLORAN,
*Ceylon and Winchester House,
 Old Broad Street.*
- („) JOHN FORSTER FITZGERALD,
6, Manchester Square, London.
- („) T. C. MORTON,
31, Belgrave Square, London.
- („) WILLIAM P. BOYD,
2, Moorgate Street.
- („) W. H. THOMAS,
Hanover Park, Peckham.
- („) P. W. ROBERTSON,
7, Pall Mall and 8, Old Jewry.
- („) DALLAS and COLES,
29, Austin Friars.
- („) S. GREGSON,
14, Austin Friars.
- („) GEORGE BARNES,
62, Lincoln's Inn Fields.
- („) J. A. ARBUTHNOT,
Great St. Helens.

(Signed) BARING BROTHERS AND Co.,
Bishopsgate Street

(„) ALBRECHT GREENHILL AND Co ,
Old Broad Street.

LONDON, *May* 1854.

(Document referred to)

When the Charter of 1833, establishing the District Courts, was sent out, it was accompanied by a despatch of Lord Goderich, the then Secretary of State, in which it was set out that as there were many civil servants at the time holding judicial offices who could not be removed altogether without giving birth to claims to compensation which could not be resisted without manifest injustice, nor conceded without a charge on the public revenue to which it was unequal 'he was constrained then by the pressure of circumstances to depart in some degree from the general rule of confiding the general administration of justice only to persons who have been trained to the study and practice of the law as a profession'

The Governor was then told—

'You will therefore select District Judges, in the first instance, from the gentlemen who have hitherto been acting in any judicial offices which the Charter will abolish. As vacancies may hereafter occur, lawyers by profession will be appointed to fill them, and any persons who may be appointed without the qualification of having been regularly educated in the study of the law, must distinctly understand that the appointment is merely provisional, and is to be held only until another choice can be made.'

The following are the opinions of some of the Judges and Queen's Advocates of Ceylon, on the subject of the appointment —

Mr. Carr (the present Chief Justice, then Queen's Advocate) in a letter to Government, wrote thus in 1837: 'It cannot be doubted, however, that the District Court of Colombo having the most important and intricate cases to decide in the island, the person to be selected to preside as Judge in such court ought to be a competent lawyer, both by education and practice, and there are many reasons for his being a practised Advocate of the Colonial Bar also, whenever a competent person can be selected therefrom to fill that situation. It would tend very much to the encouragement and improvement of the Colonial Bar, and to expedite also the public business in the District Court by suppressing all unnecessary legal objections and arguments which must perplex any Judge who has not had a legal education.'

Mr. Justice Jeremie in 1838 pressed upon the Government 'with whatever weight may attach to his humble authority, the necessity for having lawyers for all the District Courts.' He adds —

'It is needless for me any longer to hesitate in saying that the bight, the radical defect, attaching to the judicial constitution of Ceylon arises from the class of gentlemen who preside in the District Courts and who, as such, have exclusive original jurisdiction in all private suits whatever, whether of a commercial, a real, a personal, a civil, or ecclesiastical nature.

'Now, not one of these gentlemen had been brought up to the profession of the law, and experience daily more and more convinces me that the best school for the Bench is the Bar. I conceive a man should have an immediate, direct and personal interest in learning to do that which he is expected to do, well; that a dozen suits carefully studied, as they will be when he knows that his whole reputation and future fortunes depend upon the manner in which he acquits himself in arguments, will go further to qualify any one for forming a right judgment of even the most ordinary case, than nearly half as many years spent in mere observation. It is not, therefore, the being received a barrister, though this is important as it implies preparation, but a thorough hard-working down-right experience of the management of business in its every stage, it is not only some acquaintance with general principles,

but an intimate knowledge of practice, which are essential requisites in a Judge in Ceylon.'

Again, 'How comes it that the Bar is in the state here described? How that the pleadings are so loose and confused? Why these numerous cases referred back for hearing and further evidence? Could all this have happened if proper Judges had presided in these courts? These defects then are little more than the dross of the old system, defects which will be remedied as that system is reformed. The very circumstance, therefore, that the profession is at so low an ebb is among my strongest inducements for wishing to help on those who under so many disadvantages have acquired all the qualifications you can reasonably desire or expect.'

In 1846, upon the appointment of Mr. Lavalliere to the Acting District Judgeship of Colombo, a deputation of merchants, landholders and lawyers waited on Sir Emerson Tennent, requesting that the appointment might not take place, (*Colombo Observer*, No 70 of July 1846, p 889) Sir Emerson Tennent gave them an assurance that in future the District Judgeship would not be permanently conferred on any but a lawyer by profession, and further that a lawyer would have had the preference for the acting appointment, if the arrangement could have been made without inconvenience to the public service (*Ibid.* No. 71 for August, p. 891.) This and the next number of the *Observer* contain reports of eighteen judgments of Mr. Lavalliere having been appealed against during the first week he sat as Judge, and all eighteen having been set aside by the Supreme Court.

Mr. H. O. Selby, the present Queen's Advocate, wrote thus in a paper on judicial establishments written in 1847 — 'In order indeed to the exercise of a jurisdiction so extensive as that vested in the District Courts, the Judge should not only be a professional man, but a good lawyer. I mean he should not be merely one of those who enjoy the honours of the profession by having been called to the Bar, but a man who has really made the principles and practice of the law his study and his business.' Mr. Selby proceeds, quoting from Mr. Empson, to whom the consolidation and consideration of the different reports received from Ceylon were entrusted by the Secretary of State — 'The necessity for the District Judges becoming in one way or another lawyers will be getting stronger and stronger year by year. As soon as a system of positive laws to be interpreted by precedents is fairly established, a knowledge of them on the part of the District Judges will be as indispensable as Mr. Justice Jeremie thinks it is at present (1842) indispensable for justice, indispensable because of the impossibility (without constant and ludicrous reversals) of working a recognised system of laws by means of unlearned original courts and a learned court of appeal, indispensable because a Bar more or less acquainted with the laws will be making head; indispensable, because by that time European settlers will be sufficiently numerous to force the judicial institutions into an adoption to European habits.' I can add nothing (says Mr. Selby) to these just and admirable remarks, but that experience has already proved their truth.

Sir Anthony Oliphant, the late Chief Justice, when examined before the Parliamentary Committee in 1850 deposed thus, (see Questions 6828 and 6829) — 'The person who fills the office of District Judge of Colombo ought to be the best lawyer in the island, better than the Judges of the Supreme Court, because he must be ready upon every point of evidence that arises. The Judges having an original jurisdiction only in criminal cases and an appellate jurisdiction in civil cases, they have always an abundance of time to consider their judgment in civil cases, whereas the other must, on the spur of the moment, decide points that arise. Counsel argue upon the points, and he must decide upon them instantaneously.'

DOWNING STREET, June 29th 1854.

SIR,—I am directed by Secretary Sir George Grey to acknowledge your letter of the 26th ultimo, enclosing a memorial addressed to the Duke of Newcastle, signed by

yourself and other gentlemen interested in the welfare of Ceylon, in which the importance of appointing a professional gentleman to fill the vacancy in the District Judgeship of Colombo is urged upon the consideration of Her Majesty's Government.

Sir George Grey desires me to inform you that he fully recognizes the justice of the observations contained in the memorial, and the importance of obtaining the service of a professional lawyer in such cases, where it is possible to do so. I am to add that the present temporary vacancy on the Bench of Colombo has been filled by a gentleman reported by the Governor to be versed in law.

I am, Sir,

Your obedient servant,

FREDERICK PEEL.

General SIR JOHN F. FITZGERALD, M.P.

IV.

(From the "Ceylon Times," September 23, 1856.)

LAYS OF THE LAW.

No. IV

"Goede Morgen Myn Heer."—Dutch Salutation.

1.

It was a case from C—lp—nt—n,
Was pending in Ch—w,
Which, though commenced in '39,
Had not been heard till now.
"And grant, ye gods!" exclaimed the Judge,
(Smiling his bosom lustily,)
"That I might, on the proofs adduced,
"Decide the question justly"

2

The plaintiff had paid some seventy pounds
As fees to R——d M——n,
To come with books and white cravat
And be his legal organ;
And W—ll—m had got a similar fee,
To keep the other at bay,
"And oh! how happy I'd have been with the one,
"Were the other dear brother away!"

3.

And thousands came from far and near,
To see this pair of M——ns
Talking and thumping and quoting the law
And eying each other like Gorgons
And nothing could make it the more absurd,
Than the fact that many had seen them,
Dining the night before with the Judge,¹
Who now sat in judgment between them.

(1) The Judge was C. A. Lorenz then Acting at Chilaw; and the 'Lay of the Law' is by him.

4.

The case went off—as all cases go—
 With a sentence of restitution;
 And a bill of costs and a Notice to tax,
 And a motion for execution.
 And—good luck to the Judge and the Proctors two,
 And the folks with astonishment dumb oh!
 And good luck to the parties from C—l—p—nt—n,
 And the Advocates from C—l—mbo

Sir Richard Morgan's elder brother, William, achieved a great celebrity as a lawyer. Seeing that he is referred to in the above lines, this may be a fitting place in which to give expression to the indignation of a Ceylonese gentleman, who saw some of the earlier pages of this volume as it was passing through the press. Referring to page 69, he writes:—'Surely you are not going to dispose of old William Morgan in these few words. He lacked the education (because in his day there lacked the means) which Richard Morgan had, but it is still an open question whether William Morgan was not the most effective, the most *persuasive*, speaker of all the Ceylon lawyers who ever lived. He was an Advocate, and for a few years before he died, Registrar of Lands. He was a sound lawyer too. If Richard Morgan excelled as a *Nisi Prius* Advocate, William Morgan was the man to win the heart of a jury in criminal trials. But in *argument* in the Appeal Court few could equal William Morgan. Read his speech in the Rajawella case.'

V.

[Extract from the "Ceylon Examiner," of Octr. 1st 1856,
recording the presentation of a Testimonial to
Mr. Morgan.]

PRESENTATION OF A TESTIMONIAL TO MR. MORGAN

A deputation consisting of the following gentlemen,
 waited yesterday on Mr. Morgan to present him with a

testimonial of the consideration in which he is held by the public :—

Robert Dawson, Esq
J B Misso, Esq
F. J. De Saia, Esq
James Alwis, Esq.
John Driberg, Esq.

Hormasjee Kaikushoor, Esq
H Dickman, Esq
— Edremanesingam, Esq.
C A. Lorenz, Esq
Slema Le de Nana Markar, Esq.

On being introduced to the honourable and learned gentlemen, Mr. Dawson addressed him as follows :—

‘Mr. Morgan,—A large number of your friends and well-wishers who are desirous, before you take your seat on the District Bench, to present you with some testimonial of their approbation, have appointed us a deputation to wait upon you and ask you to accept some small token of their esteem, their respect, and their friendship. These friends are anxious to express their kind feelings toward you not in mere words only, but in something more substantial, something that may be looked upon in years to come with pride and satisfaction by yourself, which may be a source of delight to your friends, and may be venerated by your children.

‘Sir, you have been for many years a useful, distinguished, and honoured member of the Colombo Bar, and while your brethren of the legal profession, and your friends and admirers amongst every class of the community, regret that they are now to lose your valuable legal services, they rejoice at the promotion you have obtained, which you have so honourably earned and so well deserve, because they feel the public will be benefited by your appointment to the District Judgeship of Colombo. Your friends have charged us to congratulate you on your promotion, and to convey to you their heartfelt wish that you may be as distinguished a Judge as you have been a successful Advocate.

‘A list has been already opened, and a considerable amount subscribed for a memorial to be presented to you; and in addition to our being a deputation to wait upon you and ask your acceptance, which, we trust, you will not withhold, we have been appointed to act as a committee to carry out the object in view, and so soon as we shall have obtained your consent to accept of what we offer, we are instructed to take the necessary steps for carrying the wishes of the subscribers into effect.

'We have considered in what form the testimonial would be most acceptable to yourself and most appropriate to the occasion. Services of plate have long been looked upon as very appropriate articles for such presentations, as they form handsome ornaments, are conspicuous and attractive objects at all rejoicings and on all great occasions, they speak through the eye to the feelings of all beholders, commemorate the good deeds they represent, and can be handed down as heirlooms in a family from generation to generation. But of late it has become a very general opinion that testimonials may be made to assume a still more useful form, and that there are other equally efficient means of perpetuating the good deeds of honoured and useful men.

'Sir, you have a young family springing up around you, and your most dearly cherished hope, your most anxious wish, as a father, must be to see your children well and honourably established in the world. A good education is, perhaps, the most precious gift that can be bestowed upon the young, for whatever talents they may possess, they cannot possibly take so useful, or earn so honourable and distinguished, a position in the world without, as they may do with, the advantages of a good education.

'It is therefore proposed, provided it meets your approval, that the amount subscribed shall be devoted to the education of your eldest son, and we hope that it may be the means of enabling him to follow in the footsteps of his honoured father; and that, in due course of time, he may become as bright an ornament and as useful and distinguished a member of the Colombo Bar.

'Thus the name of Morgan will be continued in association with the Colombo Bar, and the remembrance of your good deeds and valuable services will be effectually handed down to the rising generation.

'We request you will explain to us your own wishes on the subject, and as soon as the form of testimonial shall have been decided upon, we will at once take steps to carry it into effect.'

Mr. MORGAN then replied in the following terms :—

'Mr. Dawson, and Gentlemen,—Believe me, I am using no mere form of words when I say that my heart is too full to allow me to give adequate utterance to the

feelings which this great act of kindness on your part and on the part of those you represent has stirred up within me. It is difficult to follow a profession such as that to which I belong without provoking much hostility against oneself, and creating many enemies; it seems almost the necessary result of the counter interests which are always at play in the game of litigation. The party whose object you defeat, the witness whose veracity you question, dismisses but slowly from his mind the resentment which was first enkindled in court. You can easily conceive, therefore, how great must be my rejoicing to find that I have been happily saved from such results—that, at a moment like this, which may perhaps be deemed the close of my professional career, I should find myself overwhelmed by the kindly offices of my friends, and have the same encouragement and support extended towards me now which met me at my first entrance into life, and to which I mainly ascribe, under Providence, the measure of success I have been allowed to enjoy.

‘Would that my rejoicing was unalloyed by any other feeling! Would that I could altogether overcome the deep humiliation which a sense of my shortcomings during the sixteen years in which I have practised in my profession cannot fail at such a moment as this to give rise to! Would that I could altogether dismiss from my mind the feeling of anxiety which has never left me since the moment I determined upon accepting my new office, lest when I come to be weighed in the balance I should be found wanting!’

‘It is not right, however, that I should obtrude these topics upon you. Your kindness has supplied me with no ordinary solace as regards my recollections of the past; it must furnish me with abundant motive for exertion for the future. If I feel that I do not deserve all that you have kindly said of me, and it is no affectation of modesty to say that your praise far exceeds my humble deserts, it will, at least, stimulate me so to act in after life that I may not prove false to the early impressions you have been pleased to form of me, that I may to some extent realize your fond hopes and expectations.

‘Gentlemen, I accept thankfully the testimonial that my friends are pleased to present me. I should ill requite your kindness did I not frankly state that I

heartily agree to the mode in which you desire to invest the liberal sum subscribed. A service of plate to one of my habits, and those in which I hope to see my family grow up, will be perfectly valueless. It would conduce more to our real good, our lasting benefit, that it should be invested in the way you propose. Let it form a fund laid out on trust, to be used, if need be, for the education of my eldest son; and should it not be necessary to employ it for this object, which I hope and trust it will not be, then to be paid to him, principal and accumulated interest, on his attaining his majority, to aid him in his advancement in life. I pray that this act of liberality will be an inducement to him in after life to strive to make some requital for the kindness shown to his father, by devoting his energies in the service and for the benefit of his fellow men.

‘Mr. Dawson, we thank you sincerely for the kind and feeling way in which you have spoken of me and my family, and, I repeat, my kind friends, we thank you all sincerely and fervently.’

We hear the amount already subscribed exceeds £700, of which the following are some of the large figures :—

Wilson, Richie, and Co	£20	0	0
Dawson, Dickson, and Co.	20	0	0
Armitage Brothers	20	0	0
G Shand and Co	20	0	0
Parlett, O'Hollahan and Co.	50	0	0
George Wall and Co.	20	0	0
George Steuart and Co.	20	0	0
Jas Swan and Co	20	0	0
John Dineberg	25	0	0
James Alwis	25	0	0
F. J. De Saram	25	0	0

VI.

ADDRESS TO THE GOVERNOR.

[*Address of the Advocates and Proctors practising in Colombo, to the Governor of Ceylon, on the appointment of Mr. Morgan to the office of District Judge of Colombo. Taken from the "Ceylon Examiner" of Oct. 1st 1856.*]

We have the pleasure of giving publicity to the following :—

*To His Excellency Sir H. G. WARD, K.O.B., O.M.G.,
Governor and Commander-in-Chief, Ceylon.*

MAY IT PLEASE YOUR EXCELLENCY,—We, the undersigned Advocates and Proctors of the different Courts of this island, beg to wait on Your Excellency in respect of the change just effected in the Bench of the District Court of Colombo, with the request that you may be pleased to convey to Her Majesty's Secretary of State for the Colonies, our most grateful acknowledgments for the great benefit conferred on the public by conceding to them, in deference to their often-expressed wishes, the principle of filling up the office of the District Judge of Colombo by a professional lawyer—a concession which cannot but be highly valued by the community as calculated to place the administration of justice in the important and populous district of Colombo on a firm, certain, and satisfactory basis.

While we thus offer our acknowledgments to Her Majesty's Secretary of State, we cannot refrain from expressing our warmest thanks to Your Excellency for the selection to that office, from among the local Bar, of our acknowledged leader, Mr. Richard Morgan, in whose talents as a lawyer, and integrity as a man, the public and ourselves have the most unbounded confidence.

We beg leave to subscribe ourselves,
Your Excellency's most obedient
and humble servants.

[Signed by all the Advocates and Proctors.]

VII.

DINNER TO MR. RICHARD MORGAN.

(From the "Ceylon Observer," October 2nd 1856.)

The Bar of Colombo gave a dinner to Mr. Morgan on his promotion to the Bench of the District Court of Colombo. About forty sat down to dinner, which was served in admirable style. Among the guests were the Queen's Advocate, the Deputy Queen's Advocate, the Commissioner of Requests, the Police Magistrate, Mr. Dawson, and Mr. Callaghan. The Judges of the Supreme Court were invited, but the Chief Justice and the Senior Puisne Justice were on Circuit, and Mr. Justice Temple

was engaged. Mr. John Selby occupied the chair, and Mr. F. De Saram the vice.

After the cloth was removed, the CHAIRMAN gave "The Queen." Mr. DE SARAM next proposed "The Governor," the band playing the National Anthem and Rule Britannia.

The CHAIRMAN said the task had devolved upon him of proposing the health of their guest, his friend on the right, Mr. Richard Morgan. In endeavouring to discharge himself of this duty he found no difficulty in ascertaining the sentiments of those present; it was only how to express those sentiments sufficiently. He had but, however, to allude to the long career of their guest, his rise in his profession, the undoubted success he had met with and the various expressions of public good will which his promotion to the Bench had called forth. There was one of an affecting nature even that morning from the merchants of Colombo, one of the gentleman who had taken an active part therein being also present as a guest (Mr. Dawson) and sharing with them the pleasure of this public entertainment. He need but allude to the valuable services of Mr. Morgan as a member of the Legislative Council, the various and important services he had rendered to the public in various capacities and on various occasions. If he confined himself to Mr. Morgan's career at the Bar, he as a member of the profession in Ceylon, as every one else around the table were—for those who were unprofessional guests were but few—felt it as a thing too well understood to allude to the very successful career of Mr. Morgan in terms which would convey information. He would therefore propose the health of their guest—of the District Judge of Colombo. (Applause.) He would propose the toast with greater pleasure as, apart from the well-merited tribute which the appointment paid to Mr. Morgan's merit, it was a public acknowledgment of the rights of the Bar. To secure those rights the profession, aided by the public, had fought a long and determined battle, and this night had they met around that board to celebrate the victory of the collective fight, and hail the conqueror in another field who had so well performed his part in the battle of life, the most difficult battle we are ever called upon to wage. (Applause.) This was the

first appointment from the profession in Ceylon, and it initiated a system which would on the one hand reward the local Bar, and on the other would give the utmost satisfaction to the public, which had always desired an appointment of the kind, and by public demonstration had shewn every desire to use their best endeavours to attain the advantage of a learned and experienced lawyer on the Bench of the District Court of Colombo. He need not dwell long upon the subject, because the gentlemen present knew all about it, but as the expression of the intention and object of the present demonstration he would allude again to the successful and honourable career of Mr. Richard Morgan, and to the complete manner in which his appointment to the District Court Bench had met public expectation; to the perfect satisfaction the appointment had given—the undoubted advantage it would give to the Court, the suitors, the Bar and the public; and the advantage it would prove to the business department of the Court. He would allude to the reforms Mr. Morgan was well fit and disposed to introduce. He had no doubt his future career would rival his success at the Bar, and as an expression of the confidence of all present that it would be so he would propose full bumpers and three cheers for the District Judge of Colombo. He himself (the Chairman) had begun his professional career as a lawyer in Ceylon. He had been for nine years a member of the Ceylon Bar, and when he landed in this colony the battle was being waged and he had witnessed the struggle to obtain a legal man for the District Judgeship, and now that the Secretary of State rewarded the colony with this inestimable boon, though indeed it was but common justice to the Bar as well as to the mercantile public, he thought that the value of the gift was enhanced by the selection of Mr. Morgan. During the nine years, he (the Chairman) had been an Advocate in Ceylon, the struggle had been continued, and it was the public, particularly the mercantile public, which had struggled to obtain this great requirement. The great object of their wishes was now happily accomplished, and they had seen a good lawyer, an able and successful practitioner, and in every sense a fit member of the Ceylon Bar, appointed to the place. As an expression of the satisfac-

tion of the Bar in the attainment of their dues of the public in the great advantage attained and of confidence in the judicial career of Mr. Morgan, they would, therefore, join in the toast of the evening and drink the health with all the honours of Mr. Richard Morgan, the District Judge of Colombo. (Applause)

Mr. MORGAN said: Mr. Chairman and Gentlemen. I hope I am not using the mere ordinary preface when a complimentary speech calls for a complimentary reply, when I tell you I feel deeply grateful for the very kind and flattering manner in which my health has been proposed and drunk. It is just sixteen years this day, Sir, since I first applied to be admitted a member of the legal profession. Notwithstanding the great lapse of time, I have still a vivid recollection of my feelings that day, my anxiety lest I should ever have cause to regret the step I then took. Little did I conceive that I should have kind friends waiting to afford me every encouragement and assistance and to cheer me on in my path. Little did I conceive that I should be called upon in time to fill the more important office of administering justice, and that when on the eve of assuming its duties, those with whom I have laboured should think me deserving of the flattering demonstration of regard which you have shown me this day. You have done well to remind us, sir, that my appointment involves the trial of an important principle. I feel that apart from the personal obligation I am under of striving to prove faithful to my trust, there is also the responsibility of showing as far as I can the expediency of appointing professional Judges to the District Benches. I feel the full weight of that responsibility, but allow me in my turn to remind you that it is in vain for any Judge to expect to discharge himself from such a responsibility unless he meets with the cordial support and co-operation of the members of the Bar. Let me again thank you, Mr. Chairman, for the kind and handsome manner in which you have spoken of me, and you, Gentlemen, for the flattering reception which you have given to the toast. If I have had to endure toil and anxiety, worrying and heart-burning during the sixteen years I have laboured amongst you and with you—and who can practise for that time at the Bar without much toil and anxiety, much worrying and

heart-burning ?—I have my reward in the very encouraging demonstration you have this day afforded me of your regard and esteem (Applause.)

Mr. LORENZ said he had the pleasing task conferred on him of proposing the health of the Judges of the Supreme Court; and it was so much the more pleasing because to one of them he was a perfect stranger. Of him, therefore, he spoke with the disinterestedness of a stranger, who only echoed back the voice of the multitude which had reached him at a distance, and told him of the Chief Justice as the right man in the right place. And if he had rendered great services from his seat on the Bench, by discharging laborious duties since his arrival, he had rendered yet greater services in having so readily recognised and pressed forward the claims of one whom they could only characterise as another right man in another right place. It was to be regretted that none of the Judges were present to participate in the joy which the appointment had produced; for two of them were absent from Colombo. The other, if he were present, would have doubtless added to the general satisfaction of the evening by bearing willing testimony to the judicial talents of one whom he has known long and intimately. But, in their absence, we may still remember them with kindness, and wish health and long life to the Judges of the Supreme Court.

Mr. MORGAN said: Mr. Chairman and Gentlemen, I deem it a privilege to be allowed to propose the next toast on the list—the Queen's Advocate and the Bar of Ceylon. After having endured the strife and conflict of a professional life—and a professional man has his strifes and conflicts “sudden and quick in quarrel, seeking the bubble reputation” with divers more substantial etceteras—I have now reached another stage when I sink into—‘the justice.’ (The next line you must allow me to pass over on account of its gross personality.) ‘With eyes severe and beard of formal cut, full of wise saws and modern instances, and so to play that part.’ Removed, therefore, from professional duties it well becomes me to propose health and prosperity to the Queen's Advocate and the Bar of Ceylon. Of the Queen's Advocate I cannot resist the temptation to say a few words though it may seem indelicate to do so in

his presence. I refer in particular to his connection with the Ceylon Bar. I am not aware if it is generally known that it was when he was only a member of the Ceylon bar that he was appointed to fill the high post of Queen's Advocate of this island. Before then, gentlemen were appointed to that office from the English, Irish and Scotch Bar, but his is the first instance of an appointment of a member of the Ceylon Bar. It will not be forgotten that shortly after the appointment took place, when troublous times came over us, when he regardless of what might have been considered his own personal interest stood nobly forward as a witness between the living and the dead—bringing down upon him the wrath and displeasure of the heads of the Government here and in England—that it was said in detraction of his merits that he was but a member of the Ceylon Bar. 'But a member of the Ceylon Bar.' Sir ! I would ask those who then spoke and thought in that manner, whether, viewing the matter calmly and dispassionately now, they do not feel compelled to admit that the place has—I will not say never been better filled, for I can with truth go much further—never been as well filled before? Who can reflect upon the moral force which his appointment gave to the Government both as regards the suppression of crime and the assertion of Crown rights? Who can look over our Statute Book for the last few years and see the admirable laws therein appearing—admirable as well for their substance as for the precision and simplicity of their language—without feeling the full force of that which I say? Amply has he vindicated the credit of the Ceylon Bar, and bravely fought for its true interests whenever an opportunity arose for doing so, and whenever he thought they could be promoted consistently with the public interests; and the Ceylon Bar owe him, therefore, a debt of gratitude which they can never sufficiently discharge. In proposing success and prosperity to the Bar, I but express a wish which was ever nearest and dearest to my heart. When we come to look to its state we cannot conceal from ourselves that there is much yet one could wish to see otherwise, but it is equally clear that there has been a marked improvement in the condition of the Bar of late years, particularly in the out-station

towns. And with such an example as the Queen's Advocate has afforded us, with the example he has set us, whose memory is still sacred with us and never can be forgotten so long as the Ceylon Bar lasts, let us hope that the Bar will continue progressing and attaining all success and advancement. It is not for me to speak in the language of advice, but if there be one duty more than another for the Bar to fulfil in a country where the spirit of litigation is so prevalent and forms one of the vices of the Native character, it is to consider and act as ministers of justice in aid of the Judge before whom they practice. It is idle to suppose that the spirit of litigation can be checked by rendering access to Courts of Justice difficult or by denying suitors the aid of counsel. the effectual remedy to it can be applied only by men at the Bar who would qualify their zeal for their client's interests by considerations affecting the general interests of justice—who, whilst they put forth all their influence and ability to aid the suitor who is really wronged, will be equally zealous in their efforts to prevent the courts being used as instruments for working wrong and injustice. Gentlemen, of my sincerity in wishing well to the Bar, in whose advancement I deem my own personal interests to be closely identified, you cannot doubt. Allow me to propose success and prosperity to the Ceylon Bar and to its much respected and esteemed head—the Queen's Advocate. (Applause.)

THE QUEEN'S ADVOCATE rose after the conclusion of the toast proposed and, after briefly returning thanks on behalf of the Bar, said that he would call the attention of the gentlemen present to the toast he was going to propose, which was the Magistracy of Ceylon, by which he meant to include the Commissioners of the Courts of Requests, the Police Magistrates and also the District Judges of Ceylon. He begged to correct the Chairman's impression that this was the first time a professional man had been appointed. Though in future they would be appointed by right, there had been appointments of the kind in former times. He could also point to the case of Mr. Langslow, an English lawyer, though there were certainly painful circumstances connected with his case, nor must it be forgotten that when Mr. Langslow left his seat, it was a person from the local Bar—

namely, the learned Queen's Advocate himself,—who was chosen as his successor. As for unprofessional Judges he must acknowledge that there were many instances of ability amongst them, and that generally they were as satisfactory as could be expected. Under the present arrangement of the public service, the District Judges of out-stations were generally unprofessional men, and the manner in which they have performed their duties makes them deserving of credit. From the opportunities which he possessed of judging of the Magistrates he believed that they were actuated by a desire to discharge their duties efficiently: the Chairman had alluded to his experience of nine years. He himself was much older, about seventeen years, as far as he could recollect just at the moment. He, in looking around the table, could recognise but one gentleman present who was an Advocate and at the same time older in the profession than he (Mr. Staples.) He had much experience of the Bar and the judicial service of Ceylon, and was sure the members of the Bar present would agree with him that the magistracy of Ceylon were deserving of a special toast on this evening. He would call upon them and their guests to join with him when he proposed “The Magistracy of Ceylon.”

Mr. DALZIEL said: Mr. Chairman and Gentlemen, I have much pleasure in dining here on this occasion, which is in honour of our respected friend Mr. Richard Morgan, on his elevation to the Bench of the District Court of Colombo. I expected good fare, cool champagne, and an intellectual treat; but I did *not* expect that I should have to make a speech. It seems, however, to devolve upon me to reply, in the criminal department, to the toast proposed by the honorable the Queen's Advocate. I shall leave the civil side of the question to be disposed of by my civil, and more talented, friend the Commissioner. I hope and may safely say for myself and brother magistrates, that we administer justice to the best of our knowledge and ability; that we try to arrive at right conclusions, which is a very difficult task, considering that amongst the lower orders of the natives falsehood is the rule and truth the exception. It has often happened to myself that, after recording evidence on both sides (for prosecution and defence)

I have been puzzled to determine on which side the probability of truth lay. Some of us Magistrates are called unprofessional Judges. Be it so. We have received some education, although we may not have eaten dinners at Lincoln's Inn; and having been long in our present employment, we have read books, and after all, we know something. For my own part, whenever I may be wrong, I shall carry with me an honest feeling that I have done my best under the circumstances in which I have been placed to administer justice fairly, so far as I have been able to discover where the truth lay. I beg to return thanks to the honorable the Queen's Advocate for proposing the health of the magistracy of Ceylon, which I reply to after this fashion; and I leave my civil friend opposite to speak for himself.

MR. STAPLES said. Mr. President and Gentlemen, our worthy Police Magistrate, in returning thanks for the magistracy of Ceylon, has confined himself to the criminal side of the toast, and would not, with his long experience, travel beyond his jurisdiction. He has left me to deal with the 'civil' branch, and thus extorted, or tried to extort a speech from me—a capital ruse, and though not uncivil, yet somewhat uncivilized. I am quite taken by surprise, for I did not come here to make a speech. However, the unstudied promptings of one's feelings are, I should think, far more acceptable than the more studied effort of the closet. I am not disposed to take the sins of the civil magistracy of this country upon my shoulders, which are only broad enough to bear my own: yet though not deputed, I nevertheless thank you, on its behalf. But I should desire to address you, now that I am required so to do, in my professional rather than in my official capacity, and this I will do very briefly. After a variety of trials and misfortunes of no ordinary character, and with impaired health caused in a great measure by the sedentary and arduous duties of my office, it is refreshing to me, after a lapse of years, thus to meet the members of the profession to which I belong and which I had embraced in early life. I have for some time past given up all entertainments, and am not seen at such anywhere; but I could not persuade myself to stay away on the present occasion, and a wrong

construction might be put upon my absence. So, here I am, to join you in doing honour to your own profession and to your particular guest of the evening. Gentlemen, I am addressing you as the oldest member of your Bar, and as the oldest member of the legal profession in this country. The Queen's Advocate has pointedly alluded to myself, when he told you that there is but one Advocate at this table, whom he found here on his arrival in this colony. He and others by far my juniors in the profession have been more fortunate than myself. They have lived perhaps in more liberal times. But this is no reason why I should envy their advancement, for neither that nor hypocrisy is, as you know, among the number of my virtues. I forbear, despite the opportunity that offers, to speak of myself; it would be out of place, and perhaps in bad taste. I rather, therefore, join you in wishing him who has been advanced to the District Bench of Colombo every happiness in his new position. Nay, more, I hope for the honour of the local Bar, he may meet with still higher advancement; that at the first opportunity which may offer, he may be raised to the Bench of the highest court. If the Queen's Advocate meant that, by having been raised to the District Bench of Colombo, he has met with the highest honours of his profession here, I do not agree with him. If he be fit for the one he is equally fit for the other. And I cannot see why he, as well as others, should not look forward to this distinction. I heartily hope he may secure it. In turning to the younger members of my profession, (and I see among them some of my own pupils) may I be permitted to urge upon them the necessity of perseverance and improvement in their course to secure prosperity in their honourable calling. Let me urge them in particular not to desert the cause of the poor and the friendless, the widow and the orphan, for that of the worthy and the powerful—and never if they can help it, to allow might to triumph over right. Gentlemen all, with cordial wishes for your welfare, may you and each and all of you, under every adverse circumstance, be prosperous in your profession, possess a clear conscience, and the enjoyment of a happy home! (Applause).

Being called upon by the Chairman, Mr J. ALWIS spoke

as follows: Mr Chairman, I am glad that it has fallen to my lot to propose the toast of an honourable body of men, for whom we have the highest respect, to the greater part of whom we are much indebted, and amongst whom we are still able to number our principal guest; I mean 'The Legislative Council of Ceylon.' (Cheers). I believe, sir, I have the concurrence of all who are here present when I say that the public are much indebted for a great many of the privileges which we enjoy, to that honourable Council—at least to those members whom I have the pleasure to see around this board. The services of the honourable the Queen's Advocate, both in and out of Council, and more especially that honesty which peculiarly characterizes his conduct, is justly appreciated by a discerning public. In proof of this, I believe, sir, it is needless to refer to anything more than his strictly impartial conduct during that troublous period of 1848, to which our worthy guest has so feelingly and delicately alluded—conduct for which he has justly won the admiration and esteem of all right-minded men in the colony. (Cheers). As to the honorable and learned gentlemen, whom we have the honour of entertaining this night, I believe, sir, I express the opinion of all who are here present when I say that we are much indebted to him. It was not very long ago that he effected a reform in our courts which would have reflected honour on the greatest statesmen in any country. Need I remind you that I allude to his valuable services during the debate upon the Police Courts bill, when he obtained for the colonists the privilege of sending professional men to the minor courts of this island. (Cheers). You will doubtless have observed the talent and ability which he brought to bear upon the discussion of that most important question—nay, the wonderful promptitude with which he rose on his legs, to move an amendment, immediately upon his defeat on a motion, which perhaps he thought more constitutional. (Cheers). I cannot also forget, sir, the services of the other honourable member here present, I mean the gentleman on my left (Mr. Dawson). It is, sir, to his perseverance in Council, and the valuable suggestions of the honourable and learned gentleman of whom I have already spoken, that we may attribute the withdrawal of the Verandah bill, an ordi-

ance by which it was attempted to concentrate in one solitary individual, though perhaps a very talented gentleman yet, comparatively, a stranger in the island, all the powers in respect to encroachments which have been properly and blamelessly executed by a board of competent men. Look, sir, to these results; and who could be so indifferent as not to feel, and who so ungrateful as not to acknowledge, the value of the services rendered by the unofficial members, amidst many difficulties, and in a limited sphere for usefulness. (Cheers.) Sir, I trust that the time is not very distant—I hope it will soon come—even before the present head of the Government shall have left our shores—when we shall rejoice to find that their sphere for usefulness has been extended, that the element in the unofficial ranks of the Council has been enlarged, and that we have obtained a legislature in which the heterogenous interests of this rising colony shall be duly represented. (Cheers.) I would, sir, most willingly enlarge upon this and some other topics suggested to my mind, topics of the most momentous importance to us, to the public, and to the Singhalese in general, but I desist; for I think, sir, this is neither the time nor place for their consideration. I believe, however, I have said enough before introducing the toast which it is my privilege to propose to-night—and which I now call upon you gentlemen, to join me in drinking—‘The health of the official and unofficial members of the Legislative Council of Ceylon.’

Mr. Dawson briefly returned thanks.

Mr. MORGAN said: Mr. Chairman and Gentlemen, I cannot allow the company to separate without proposing another toast—the health of Mr. Lavelliere. Though the vindication of a most important principle has prevented his confirmation on the Bench of the Colombo court, we must bear willing testimony to the anxiety which he always evinced to do what was right, and to the amiability of temper and kindness of disposition which have won for him the esteem of those who practised before him. His resolve to go to England and fit himself for professional duties is a noble one, and a resolve which, considering his years and service, does him extreme credit. I am sure I but express the wish of every member of the Bar when I say that—after having

properly prepared himself for the profession, and having been duly admitted into it,—none will rejoice more sincerely in his judicial advancement than the members of the Ceylon Bar. Mr. Lavelliere—long life and success to him! (Tremendous cheering.)

Mr. LOUIS NELL, on being called upon by the Chairman to propose a sentiment, rose and said: That it was the suggestion of Mr. Lorenz that he should propose the health of the Chairman, which he would have much pleasure in doing. A public dinner was analogous to a public meeting, and if at the latter a vote of thanks was always returned to the Chairman at the close of the proceedings, proposing the health of the Chairman on the present occasion would fully carry out the analogy; and carry it out in that agreeable manner which had characterized all the proceedings of the night. And here, he felt bound to allude to the peculiar difficulty of the Chairman's task, when so many varied prejudices met around the excitement of a plentiful board, when in the arrangement of the company and in the great tact with which the proceedings were directed into new channels, as the freedom of discussion allowed on such an occasion brought into strong and contrasted lights the sentiments of the different speakers. He would allude to some of the more salient points in the public expression of the sentiments of the meeting. A pointed allusion was made to unprofessional Judges and a special response was entered on their behalf, (by Mr. Dalziel) the free humorous expression of individual opinion in which must have met with some opposition in the minds of the company present. Now, he would say for himself that it was well known he had not practised long as he had not voluntarily chosen his profession, so that his experience of it was not much, but he could confidently answer for the honourable conduct of many who had sprung up with himself, but lately from boyhood and school-time to seek an honourable livelihood in the profession of the law. He was too young and inexperienced to speak of their seniors; but from what he had seen, and he could point more particularly to a gentleman (Mr. Driesberg) who was present, there ought to be many well worthy of setting a good example to their juniors. Many of his own class of people, as

sprung from the European stocks, whatever their appearance might be, have inherited great qualities from their ancestors. As for the Native gentlemen he need only say that day after day it was their increasing success that was stirring up the Eastern apathy which we had also acquired, and forcing us to emulate them and thus exhibit the dormant but fine qualities of the race. If any of them had exhibited any opposition to any member of the magistracy it was in the discharge of their public duty, and he, though he held a humble position in the Bar, may have done so, but for himself and others present, he availed himself of the genialities of the occasion and of the opportunity afforded by the Chairman to respond to some portion of the address of one of our principal Magistrates who had so frankly, and humourously touched on some topics, which in public life had caused some unpleasantness. He must not withdraw his own humble testimony to unprofessional Judges, and would allude to Major Forbes, a Military officer, who was as efficient a Judge as he was a classical scholar and writer on Ceylon. He would next allude to the equally fine expression of feeling and sentiment on the part of the twin response (Mr. Staples) to the toast of 'the Magistracy of Ceylon,' and he would say that many of the circumstances referred to were, no doubt, painfully true; but such was always the order of life, and such often the lot of the ablest and most talented of mortals. To speak more pointedly he would say under such circumstances one had always consolation as a man, a gentleman and a Christian. As man alone he could recur to the histories he read in school-time of those stern old Romans who had borne the reverses of life with splendid fortitude. And besides such artificial helps to our philosophy, there was the remembrance of past and undoubted success and the consciousness of endeavouring to discharge the duties of the present hour. Besides that, they were met to celebrate the privilege secured to the whole profession. If when the good of the united whole was secured one individual inevitably suffered, the case was not without its own consolation. Besides these striking contrasts of individuality, he would allude to the little ebullitions of a dinner table, which showed how heartily each expressed opinion was held; and even the most

opposite opinions could meet around a festive board to find the most agreeable settlement which such an opportunity always afforded. To borrow a comparison from the science of music, he would compare it to a discord, which may be struck, but which must inevitably find itself changed into harmony. (Applause.)

The CHAIRMAN said he rose to acknowledge the compliment paid to him by the gentleman who had just spoken. He felt the compliment conveyed and appreciated the terms in which it was conveyed. His health had been proposed, as the Chairman on this occasion, and he was complimented on the ability with which he had discharged his duties as President, and it seemed that he was also credited with the management of this public demonstration and the undoubtedly admirable arrangements with which it was so pleasantly and successfully carried out; but a sense of justice compelled him to give the credit where it was due—to the vice Chairman—Mr. Frederick de Saram. It was he who had made all the excellent arrangements and attended to the various minutiae which had contributed to the success of the whole design. If, as Chairman, he (Mr. Selby) had contributed any usefulness, he was but too glad to have done so. He must acknowledge that much that was hitherto conflicting had now met in a public and social manner: and he deeply regretted that it had not been so before. He hoped that the Bar would have many, many opportunities like the present and carried out in the same manner. The more varied the sentiments that had met this evening, the greater the compliment paid to their guest (pointing to Mr. R. Morgan on his right.) It was he who by his honourable and successful career had given such an opportunity to the society of Colombo—and he could only repeat it—that the oftener such meetings were repeated the better. (Applause.)

The party soon after broke up.

VIII.

[*Extract from the "Colombo Observer" of December 29th, 1856, on Mr. Morgan's appointment as Acting Puisne Justice.*]

An event exceedingly gratifying to the people of this

country has occurred in the elevation of a member of the local Bar to the Bench of the Supreme Court. Mr. R. F. Morgan was sworn in as Acting Puisne Justice, on the evening of Wednesday last, in the presence of a large assemblage. The usual salute was fired from the esplanade. The Chief Justice, Sir CARPENTER ROWE, who administered the oaths, thus addressed Mr. Morgan.—

‘MR. JUSTICE MORGAN,—Let me congratulate you thus publicly on your promotion’ (shaking him by the hand), ‘and I must’ (turning to the Bar) ‘congratulate the Bar on the appointment of so distinguished a member of their body. It must satisfy them that in our profession, abilities, and character, and perseverance will ever meet with their reward.’

After the swearing in, the Bar and crowds of all classes waited on Mr. Morgan, in chambers, to offer their congratulations.

When the new Puisne Justice left the District Court on Monday, the members of the Bar waited in chambers, (they wished to address Mr. Morgan publicly, but at his request did not do so) to express their regret at losing him from the District Court, but also to add their congratulations on his elevation.

There is but one feeling amongst the community—that Mr. Morgan’s elevation is well deserved, and that his conduct will justify his selection to fill so high an office. Mr. Charles Stewart is to act as District Judge of Colombo, until Mr. Lawson is able to take the post.

IX.

[*Copy of a Letter from Sir HENRY G. WARD to Mr. Morgan, on recommending him for the office of Acting Queen’s Advocate.*]

QUEEN’S HOUSE, COLOMBO,
November 16th, 1857.

MY DEAR SIR,—After the fullest consideration that I can give to the subject, I think that there is no one in the colony whom I can recommend to Mr. Labouchere for the acting appointment of Queen’s Advocate, with so fair a prospect of seeing the duties of that important office satisfactorily performed, as I shall have in submitting your name to him as Mr. Selby’s *locum tenens*.

Your high standing at the Bar, your experience in the Legislative Council, and the capacity that you have evinced as a Judge, while acting as a member of the Supreme Court during Mr. Sterling's absence, afford the best security that I shall find in you the qualities that are required for the Executive Council, while your intimate acquaintance with the character and habits of the native population will give additional value to your views upon all matters connected with their interests.

I have, therefore, much pleasure in making this proposal to you. I understand that two Judges can carry on the business now before the Supreme Court, until Mr. Sterling's return, without inconvenience, and I should therefore wish you to assume the duties of Queen's Advocate at once, as there is much to be done during the remaining month of the session.

Pray believe me,

Yours very faithful and obedient,

(Signed) H. G. WARD.

X.

[*Copy of a Letter from the late Sir W. C. ROWE, Chief Justice of Supreme Court of Ceylon.*]

MALAGAKANDY, COLOMBO,
November 17th, 1857.

MY DEAR JUSTICE MORGAN,—I congratulate you sincerely on your appointment, and I think the public is to be congratulated also on the selection of one so capable of doing justice to the office.

I shall always look back with pleasure to the confidential intercourse which has prevailed between us during the time of your occupying a seat on the Bench of the Supreme Court, and trust that whatever may be your future official position, the good opinion which we have had an opportunity of forming of each other, may not fail to be perpetuated both in public and private.

Yours sincerely,

(Signed) W. C. ROWE.

The Honourable Mr. Justice MORGAN.

XI.

[*Extract from the "Ceylon Times" of August 20th, 1858, containing the address of the Bar to Mr. Morgan on his departure for England.*]

THE HONORABLE MR. R. F. MORGAN.—Mr. Morgan has, by the *Nemesis*, left our shores for England for a short time, to 'eat his terms,' as the probation is called, to make him an English Barrister, thus enabling him to hold the highest judicial position on his return to Ceylon. It is his second visit to Britain, and well will he be rewarded for the voyage. Nothing could do more honour to his talents, urbanity, and strictly noble qualities, than the address from his compeers, which we print below. In strict integrity as a gentleman, in legal attainments as a lawyer, in public and private life Mr. Morgan has gained the suffrages of the people of Ceylon. He is on the 'rolling waters,' on his way to our far distant Home, and as an honest man we wish, God speed him.

We wot well of his career, and we regret that in 1848 we took a wrong view of his motives. Strange it is how the *glass is lifting*. The very men who have been most abused, turn out to be the 'real salt.'

Mr. Morgan takes with him the most heartfelt wishes for his welfare.

The long array of the names of his brother members of the Bar show how Richard Francis Morgan is esteemed by them. Further comment would seem like adulation:—

COLOMBO, August 14th, 1858.

SIR,—Though on several previous occasions we have had the pleasure of tendering to you expressions of the esteem and respect we entertain towards you, yet we cannot, in bidding you farewell, deny ourselves the opportunity of once more expressing our appreciation, not only of the impartial and assiduous discharge of those public duties which you were called upon to perform, but of the many acts of private kindness and the warm sympathy which you have uniformly manifested towards us, and which neither the honours which have been conferred on you, nor the heavy calls of duty, have abated or interfered with.

We wish you a happy and prosperous voyage, and trust, under God, soon to welcome you back to the country which is proud to own you, and to the profession which you have adorned by your talents and your virtues.

We have the honour to be, Sir,

Your most obedient and faithful servants,

CHARLES H. STEWART,
Deputy Queen's Advocate.
JOHN SELBY.

HENRY DIAS.
H. F. MUTUKISTNA.
THOMAS RUST.

C A LORENZ
OWEN MORGAN
M. COOMARASWAMY
F JAYETILIKE.
WILLIAM MORGAN
JOHN DRIEBERG
H C. PRINS.
WILLIAM STORK.
P. J L VANDERSTRAATEN.
F. J DE SARAM.
A S ANDREE
JAMES ALWIS.
V. W VANDERSTRAATEN
J. A. MARTENSZ

O B KELAART
P E. VANDERSTRAATEN.
D A. E DIAS.
HENRY BALL.
J. H DE SARAM.
J F. PRINS
J W ORE
H A. WAYREWENADEN.
JAMES DE LEWERA
ALFRED DE LEWERA
LOUIS NELL.
J DE M ASSEERAPPA
G DE ZILVA
FREDERICK C LOOS.

R. F MORGAN, Esq., District Judge, Colombo.

R E P L Y

GALLE, *August 16th*, 1858.

MY DEAR FRIENDS,—Accept my sincere thanks for your kind and valuable letter which has just been handed to me.

The many testimonials I have received from you of late render this additional proof of your regard unnecessary, but I appreciate not the less on that account the kindness which dictated, and the warmth and friendliness of feeling which mark, the tone of your present communication. One effect which testimonials of this kind are calculated to produce, is that they humble a man, and make him strive to overcome the shortcomings which the partiality of friends has overlooked, and to prove deserving of the praise which their kindness has ascribed to him. I pray that this effect may be realised in me. Whilst thankful for the testimonial, emanating as it does from friends with whom it was my privilege to labour, and to whose ready co-operation and support I mainly owe whatever measure of success I may have been heretofore spared to enjoy, I pray that it will only furnish me with an additional incentive to do my duty honestly and conscientiously, in whatever situation of life it may please God to place me. Farewell.

RICHARD F. MORGAN.

To Messrs. C. STEWART, J. SELBY, H. DIAS, etc., etc.

XII.

[*Copy of the Testimonial given by the Judges of the Supreme Court of Ceylon, to promote Mr. Morgan's call to the English Bar.*]

COLOMBO, November 26th, 1858.

DEAR SIR,—Understanding that your application to be called to the English Bar is now before the Benchers of Lincoln's Inn, we have much pleasure in stating that, before your appointment as District Judge of Colombo, you were long the leader of the Bar in this colony; and that in both those positions, as well as in that of acting Puisne Justice of the Supreme Court, your learning, character, and services have been such as to command the entire respect of the Bench, as well as of the Bar.

We can further add that, both in regard to the duties of the District Court, and to the necessity—in consequence of the contemplated absence on leave of Mr. Justice Temple—of your being soon called upon to resume your former temporary position in the Supreme Court, it is very essential to the public service that your own absence from Ceylon should not be protracted beyond the end of the ensuing month of March, 1859.

Yours very faithfully,

(Signed) W. C. ROWE, C.J.

(„) PAUL STERLING, SEN. P.J.

(„) C. TEMPLE, P.J.

R. F. MORGAN, Esq.

XIII.

[*Copy of a Letter from Sir H. G. WARD, written immediately after Sir W. O. Rowe's death.*]

MY DEAR SIR,—I am too unwell to write much, for the shock of poor Sir W. Rowe's death brought on a return of fever, which still hangs about me.

I had, before receiving your letter, suggested to the Secretary of State the propriety of duly considering your claims to the permanent appointment on the Bench, if the promotion goes locally. But that is a matter over which I have no control. A new Chief Justice, uncon-

nected with the island, may be appointed. It rests entirely with the Secretary of State, and we shall not have his decision for some time.

Yours very faithfully,

(Signed) H. G. WARD.

The Honourable Mr. Justice MORGAN.

XIV.

MR. MORGAN'S PRE-EMINENT POSITION AT THE BAR

An interesting testimony to Mr. Morgan's position as a practising advocate is to be found in a mock memorial to H. E. Sir G. W. Anderson, K.C.B., the Governor, which was published in the *Colombo Observer* in November, 1853. Mr. Morgan is there spoken of as holding briefs in three hundred and ninety-nine cases out of four hundred. "Vespa," as the memorialist signs himself, says:—

'Your Excellency's Council has enacted a law directing all appeals from the several District Courts to be heard in *Colombo* and not as of old on circuits—and the main reason assigned for this alteration was (and could only have been) that the *interests of suitors* would be better *consulted* from their thus having greater facilities to engage learned counsel, who it was said would pay greater attention to their briefs with their law libraries at their elbows than it was thought (very erroneously) they did in the hurry attendant on circuits.¹

If Your Excellency will but condescend to ask Your Excellency's friend Mr. Richard Morgan (than whom no person is better competent to express an opinion on the question) how the new practice has worked, he will tell you that this advantage to suitors of engaging clever counsel has been secured only by an accumulation of business, and consequently by such vexatious delay as never existed under the old *regime*. He will tell Your Excellency that from his being engaged in 399 out of the 400 cases in appeal he believes himself competent to offer an opinion and that really he must confess the scheme to be a—failure. As an illustration of the working of the improved system, he will "put a case" to Your Excellency, and no less an one than the PARSON-SILBY drama still lying dormant in the Registrar's office but which under the former system *must* have been settled *months ago*! He will "put another case"—that of his ingenious client Mr. Cleishew who after having undergone vast expense in securing a patent for his heated-air and inimitable fans, is deprived of his advantages because forsooth Mr. Kadienlena's counsel DEMURRED to a pleading about a *heretofore* not being a *theretofore*, and an appeal on the *momentous question* (which under the good old rule would have been decided in a *fortnight's* time, being an interlocutory one) has for the last *six months* and more been awaiting the collective wisdom of honourable Judges!

The learned counsel will further tell Your Excellency that he has long since given up answering letters from out-station *Ploctors* regarding the fate of their appeals or of making excuses for not doing so, as it really ought not to be expected of him considering the postage (to the exorbitancy of which he once had occasion to allude in his place in the Legislative Council) and

(1) The typography of the letter as it appeared in the Colombo newspaper is followed.

the amount of work—work—work—which merchants and Proctors are determined to get out of him as a *tax* on his talent.

He will tell Your Excellency that *suitors* at out-stations consider it more satisfactory to have their Proctors present at the hearing of their appeals, and that it is unreasonable to expect in Colombo Proctors who have been instructed to prepare briefs for him, that acquaintance with the multifarious habits, customs and laws of Jaffna and the Kandyan Provinces to enable him to present to the Advocate as satisfactory a view of their cases as clients may justly expect from the Proctors they have paid for that purpose.

He will tell Your Excellency that in spite of all advice, and reason, clients *will* come to him literally from the North, and the South, and the East and the West, at great inconvenience and expense to enquire after their cases—and that such a state of affairs was not contemplated by the new system and accords not with the boasted principle of this enlightened Government “*that justice should be brought to the doors of the people.*”

He will tell Your Excellency that his big brother Wilham and his amiable friend Mr. Dias, who share with him the practice in the Supreme Court, are sighing for the good old *enout* days with all their associations of travel and accumulated retainers. He will take the opportunity to assure Your Excellency, that deprived of the advantages of hearing the arguments of counsel in appeal, even Proctors at out-stations so far from advancing in their profession fall lamentably behind the age, and are found to tolerate the very unwarrantable suspicion, that if to honourable Judges the counsel “*at noonday proclaim it is night*” “*they declare they behold the Moon and the Stars.*”

So far from questions requiring deep legal lore in their solution arising in appeal cases, he will tell Your Excellency that *nine-tenths* of such appeals are from findings on *facts* which District Judges have so barricaded by the *circumstances of the case and the demeanour of witnesses* as most effectually to keep Advocates at bay. Your Excellency will not fail to scrutinize that risible twitch on your honourable friend's lips (which all his professional gravity *will* not control,) as he thus discloses the extent of that *wise discretion* by which unprofessional Judges so well refute the scandal of incapacity so often made against them by *interested parties*.

He will assuredly tell Your Excellency that *such* appeals can be best sifted on circuits with the assistance of the Proctors engaged in the several cases, and that the *exceptional* cases of law can be reserved for the collective wisdom in Colombo assembled.

He will tell Your Excellency that *Interlocutory* appeals are vanishing fast, —and why? Because a Proctor would rather submit to an irregular order or the caprice of a Judge at a sacrifice of his client's interest, than take an appeal and have the case put back nearly a twelvemonth; when irremediable mischief might ensue from so long a delay.

It is absurd to reckon the paltry expense attendant on a fortnight's or even a month's prolonged stay of the Judge on circuit for the purpose of disposing of appeals when this saving to the revenue is only to be secured by a disregard of the public interest and an impaired confidence in the administration of justice.

XV.

CALLED TO THE BAR.

(“*Ceylon Times,*” 24th December 1858.)

If ever any one fairly earned the distinction that has been awarded by the Benchers of Lincoln's Inn, it is Mr. R. Morgan, who has been called to the Bar by that honourable society after five days. Mr. Morgan petitioned for a dispensation on the 8th of November last.

A special council of the Benchers met on the 12th when the Lords Justices Knight, Bruce and Turner moved his call. The Benchers thought, and rightly too, 'that Mr. Morgan's long practice at the Bar, the high offices held by him and the prospects open to him, evidenced by a flattering despatch addressed by Sir E. Bulwer Lytton to the Benchers forwarding certain despatches from Sir H. Ward, rendered his case a very proper one for a dispensation;' which was accordingly granted. We wish every one the customary compliments of the season; and to Mr. R. Morgan many happy returns of the day, that he may long wear the honours so fairly won.

XVI.

POSITION OF THE BURGHERS IN 1839.

(*Colombo Observer.*)

In the Madras Civil Service, over which Sir Charles Trevelyan presides, there is not a single East Indian or Native. How different the case is in Ceylon our readers are aware. More than once, in reviewing the Government calendars, we have analyzed the list of the Ceylon Civil Service and shewn how large a proportion of Ceylonese gentlemen it embraced. We think the public organ of the Ceylonese ought not to ignore the fact: indeed a graceful and grateful acknowledgment of it would not be out of place. Why, at this moment the honourable Mr. Morgan is Senior Puisne Justice of the Supreme Court, most ably discharging the duties of that high post. He owes the acting appointment to Sir H. Ward, and the Governor is most anxious to get him confirmed as a Judge of the Supreme Court. His fixed appointment is that of District Judge of Colombo on £1,200 a year; as Acting Justice he draws £1,500. Then, acting for Mr. Morgan while he retains his own office, we have Mr. Deputy Queen's Advocate Stewart, brother of the able East Indian gentleman who died Acting Queen's Advocate of Ceylon. Mr. Stewart, we believe, draws at the rate of £1,600 a year. A third court—the Court of Requests,—is ably presided over by a burgher gentleman, Mr. C. H. de Saram, whose claims

the Governor most handsomely acknowledged when making his appointment. In 1859-60 we find that thirty European descendants drew nearly £15,000 a year, as Judges, Magistrates, Clergymen, Crown Lawyers and Surgeons—adding natives in the higher offices of Government, the sum is increased to £18,000. We suspect Sir C Trevelyan can scarcely—if Sir H. Ward should take to questioning *him*—give such honourable testimony to the desire of the Indian Government to encourage indigenous talent. Four European descendants at least have been members of the Executive Government of Ceylon—James Stewart, R. Morgan, John Staples, as Queen's Advocates; the elder Mooyart as Auditor General. Mr. Hillebrand sat on the Bench of the Supreme Court; and Mr. Livera, a pure native, was acting District Judge of Colombo when he died. Of the thirty-nine burgher and native gentlemen in our list, no fewer than twenty-two were either appointed or promoted by Sir H. Ward.

XVII.

NOTES TO CHAPTER I.

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Respecting some of the noble families which left Ceylon on the British occupation, an Eurasian gentleman writes as follows:—‘The Uhlenbeek family left Ceylon for Holland about ten or twelve years after the British accession, and young Uhlenbeek, if the family had remained in Ceylon, would probably have been a Ceylon Government clerk, ‘passing rich with £40 a year;’ but a larger sphere was open to him in Holland; he entered the Dutch Navy, in which he rose to the top of the ladder. In 1867 Admiral Uhlenbeek, the whilom Colombo Pettah boy, visited Colombo in his flagship, was the guest of Sir Hercules Robinson at Quoen's house, was entertained by Mr. Lorenz, and renewed his acquaintance with many of his old Colombo school-fellows, John Krickenbeek, Assistant Auditor General, Charles Edward de Breard, and others.’

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‘There is not a single Dutch family in Ceylon which is entirely free from native connection.’ Dr. Prins, who practiced as a physician in Colombo for forty-eight years, said that the unmistakeable sign of native blood in burgher veins was the colour of the vaccination marks, and indeed of any mark or scar left by a sore or wound that *had festered*. In a pure European the mark was pale, whitish, and, in full-bodied subjects, nearly flesh-coloured; but the presence of native blood was indicated by the scar being dark coloured: the darker the colour the greater the infusion of native blood. The rule appears to be this—in a European, the scar is paler, but in a native, it is darker than the surrounding skin.

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BURGHERS ENGAGED IN MERCANTILE AFFAIRS.—As proof of what burghers could do as merchants if they had the requisite capital, one instance may be given. Andrew Henry Fryer, a Dutch burgher, ran away from Colombo about 1830 (having quarrelled with his relatives) a penniless boy; he returned in 1855 with £18,000 and founded the well known house of Fryer, Schultze and Co.

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AN INDUSTRIAL SCHOOL.—About fifteen years ago Mr. Lorenz offered his property in Slave Island, known as St. James, to be converted into an Industrial School for the mechanics or Portuguese burghers if the Government would endow the school with a fund for the payment of teachers, &c., but owing to the supineness, or worse, of the Government the project fell through.

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There were many Malay slaves too who were the belongings or part of the dower which Dutch brides from Batavia brought with them, when they came with young (Dutch) Ceylon, who like Caleb went (E. S. E. towards the Straits of Sunda) in search of a wife.

My grandfather (says a courteous informant) had a Malay slave whom he liberated in 1816. The old instinct in the man made him until his last days (he died in November 1877, aged 89) remain 'the most obedient humble servant' of all old ——'s grandchildren. He was the servant of three generations of ——ses. But after my grandfather died, he could never be induced to live as a domestic with any *one* of his children, nor any one of the grandchildren. He lived at Marandahn with his two sisters, who had also been slaves, and considered himself bound to serve all the children, descendants of —— whose slave he was, and so would never live with any *one* of them, for fear he should offend the others.

END OF VOLUME I.
